

The Gazette



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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 24th December, 1962 :—

Issue No.	No and Date	Issued by	Subject
363	S.O. 3856, dated 21st December, 1962.	Ministry of Transport & Communications.	Authorising the Fortress Commander, Calcutta, the Naval Officer-in-Charge, Calcutta, and any other officer authorised by either of them in this behalf, to exercise the powers conferred in respect of the Calcutta Port and in relation to the authorities mentioned in Section 68-A of the Indian Ports Act, 1908 (15 of 1908).
364	S.O. 3857, dated 24th December, 1962.	Ministry of Information & Broadcasting.	Approval of the films specified therein.
	S.O. 3858, dated 24th December, 1962.	Ditto.	Approval of the film specified therein.
365	S.O. 3859, dated 24th December, 1962.	Ministry of Food & Agriculture.	The Fertiliser (Control) Tenth Amendment Order, 1962.

Copies of the Gazettes Extraordinary mentioned above, will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 19th December 1962

S.O. 1.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown

In column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his account of election expenses within the time and in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name and address of contesting candidate	Serial No. and name of constituency
--	-------------------------------------

1

2

Shri Huthoesing Gunottam
Purushottam,
Carmichael Road,
Municipal House No. 20,
Anand Bhuvan, Bombay.

9—Sabarkantha

[No. GJ/HP/9/62(4)/74633.]

By Order,

V. RAGHAVAN, Under Secy.

New Delhi, the 22nd December 1962

S.O. 2.—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, incurred by the person whose name and address are given below, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act:—

SCHEDULE

Name and address of the disqualified candidate	Serial No. and name of constituency	Commission's notification No. and date under which disqualified
--	-------------------------------------	---

1

2

3

Shri Varghese, E. P.,
Advocate,
Ernakulam.

9-Mukandapuram.

KL-HP/9/62(4), dated
the 16th August, 1962.

[No. KL-HP/9/62(4-R)/74524.]

NOTICE

UNDER CLAUSE (B) OF SUB-SECTION (3) OF SECTION 110 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951 (43 OF 1951)

S.O. 3.—Notice is hereby given under clause (b) of sub-section (3) of section 110 of the Representation of the People Act, 1951 (43 of 1951), that the Election Tribunal, Rajnandgaon has, in exercise of the powers conferred on it by section 109 of the said Act, granted leave to Shri Vishwanath Yadav Tamaskar, Advocate, Durg, tahsil and district Durg, Madhya Pradesh, to withdraw his election petition No. 321 of 1962 which was duly presented by him on 16th April 1962 and called in question the election of Shri Mohanlal Bakliwal, Durg as Member of the House of the People from the Durg Constituency of that House.

Any person who might himself have been a petitioner may within fourteen days from the date of publication of this notice apply to the Tribunal for substitution as a petitioner under clause (c) of sub-section (3) of section 110 upon complying with the conditions laid down by section 117 as regards security and shall be entitled to continue the proceedings upon such terms as the Tribunal may think fit to impose.

Dated the 12th December, 1962

G. P. TIWARI,
Member, Election Tribunal,
Rajnandgaon.
[No. 82/321/62/74504.]

By Order,
K. S. RAJAGOPALAN, Under Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 20th December 1962

S.O. 4.—In exercise of the powers conferred by section 8 of the Pondicherry (Administration) Act, 1962 (49 of 1962), the Central Government hereby extends to Pondicherry the Indian Soldiers (Litigation) Act, 1925 (4 of 1925), subject to the following modifications, namely:—

(1) Any reference in the said Act to a law not in force, or to a functionary not in existence, in Pondicherry, shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in Pondicherry:

Provided that if any question arises as to who such corresponding functionary is, the decision of the Central Government thereon shall be final.

(2) Sub-section (3) of section 1 shall be omitted.

[No. F. 36(14)Pond-62.]

C. S. AHLUWALIA,
Attache (GP)

New Delhi, the 26th December 1962

S.O. 5.—In exercise of the powers conferred by Sub-Section (1) of Section 5 of the Indian Emigration Act, 1922, the Controller General of Emigration has been pleased to appoint Shri Bhawani Shankar Mathur, Public Relations Officer (Emigration), Regional Passport Emigration Office, Bombay, to perform all the duties of the Protector of Emigrants under the said Act at the port of Bombay with effect from December 6, 1962.

[No. CPEO/65/62.]

N. R. MUKHERJEE,
Attache (PVA).

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 24th December 1962

S.O. 6.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following regulations further to amend the Civil Service Regulations, namely:—

1. These Regulations may be called the Civil Service (Twelfth Amendment) Regulations, 1962.

2. In the Civil Service Regulations, in clause (d) of Article 486A, after the words "a permanent post", the words "other than a tenure post," shall be inserted.

[This article was last amended vide Ministry of Finance Notification No. F. 6 (43)-EV(C)/61, dated the 1st. September, 1962 published as S.O. 2885 dated the 22nd September, 1962.]

[No. F. 8(21)-EV(C)/62.]

New Delhi, the 28th December 1962

S.O. 7.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Civil Pensions (Commutation) Rules, namely:—

1. These Rules may be called the Civil Pensions (Commutation) (Third amendment) Rules, 1962.

2. In the Civil Pensions (Commutation) Rules,—

(i) for rule 3, the following rule shall be substituted, namely:—

“3. A Government servant who is not governed by any of the pension schemes referred to in rule 4 shall be entitled to commute for a lump sum payment any portion, not exceeding one-half, of any pension which has been or may be granted to him under the provisions of the Civil Service Regulations. But any such commutation shall be subject to the condition that the uncommuted residue of the pension shall not be less than Rs. 240 per annum.

Provided that in calculating the amount of the uncommuted residue, there may be added to it the uncommuted portion of any other permanent pension or pensions payable to the applicant from Indian or other Government revenues.

Provided also that a Government servant against whom judicial or a departmental proceeding has been instituted or a pensioner against whom any such proceeding has been instituted or continued under Article 351-A, CSRs shall not be permitted to commute any part of his pension during the pendency of such proceeding.”

(ii) for Rule 4, the following shall be substituted, namely:—

“4. A Government servant who is governed by pension scheme sanctioned, in the order of the Government of India in the Ministry of Finance Office Memorandum No. F. 3(1)-Est(Spl)/47 dated the 17th April, 1950; or by that scheme as modified by the orders of that Government contained in paragraph 2(c) of the Office Memorandum No. 3(16)-Est(Spl)/50 dated the 2nd January, 1961, shall be entitled to commute for a lump sum payment any portion, not exceeding one-third of any pension which has been or may be granted to him under these rules. But any such commutation shall be subject to the condition that the uncommuted residue of the pension shall not be less than Rs. 240 per annum.

Provided that in calculating the amount of the uncommuted residue, there may be added to it the uncommuted portion of any other permanent pension or pensions payable to the applicant from Indian or other Government revenues.

Provided also that a Government servant against whom judicial or a departmental proceeding has been instituted or a pensioner against whom any such proceeding has been instituted or continued under Article 351-A, CSRs shall not be permitted to commute any part of his pension during the pendency of such proceedings.”

(iii) the appendix to these rules shall be omitted.

[No. F. 2(3)-EV(C)/62.]

C. K. SUBRAMANIAN, Under Secy.

(Department of Economic Affairs)

New Delhi, the 28th December 1962

S.O. 8.—In pursuance of sub-section (2) of Section 21 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government, on the recommendation made by the Chairman of the Board of Directors of the Industrial Finance Corporation of India under sub-section (4) of Section 10A of the said Act, hereby fixes 4 per cent per annum as the rate of interest payable on the bonds to be issued by the said Corporation in January, 1963 and maturing on the 1st January, 1964.

[No. F. 2(78)-Corp/62.]

S. S. SHARMA, Under Secy.

(Department of Economic Affairs)

New Delhi, the 28th December 1962

S. O. 9—Statement of the Affairs of the Reserve Bank of India, as on the 21st December 1962
BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	15,39,18,000
Reserve Fund	80,00,00,000	Rupee Coin	2,94,000
National Agricultural Credit (Long Term Operations) Fund	61,00,00,000	Small Coin	2,52,000
National Agricultural Credit (Stabilisation) Fund	7,00,00,000	National Agricultural Credit (Long Term Operations) Fund	
Deposits:—		(a) Loans and Advances to:—	
(a) Government		(i) State Governments	23,94,76,000
(i) Central Government	51,14,69,000	(ii) State Co-operative Banks	11,46,59,000
(ii) State Governments	7,54,42,000	(iii) Central Land Mortgage Banks	
(b) Banks		(b) Investment in Central Land Mortgage Bank Debentures	2,84,88,000
(i) Scheduled Banks	74,23,03,000	National Agricultural Credit (Stabilisation) Fund Loans and ad- vances to State Co-operative Banks . . . . .	..
(ii) State Co-operative Banks	1,60,88,000	Bills purchased and Discounted:—	
(iii) Other Banks	5,66,000	(a) Internal . . . . .	..
(c) Others	162,46,62,000	(b) External . . . . .	..
Bills Payable	35,33,11,000	(c) Government Treasury Bills	71,72,19,000
Other Liabilities	42,86,00,000	Balances Held Abroad*	10,41,51,000
Rupees	528,24,41,000	Loans and Advances to Government**	15,42,88,000
		Loans and Advances to:—	
		(i) Scheduled Banks†	16,50,50,000
		(ii) State Co-operative Banks††	136,97,58,000
		(iii) Others	1,40,57,000
		Investments	189,56,94,000
		Other Assets	32,51,37,000
		Rupees	528,24,41,000

*Includes Cash and Short-term Securities.

**Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 10,20,00,000 advanced to scheduled banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 26th day of December, 1962.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 21st day of December, 1962.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	15,39,18,000		Gold Coin and Bullion :—		
Notes in circulation	2121,96,93,000		(a) Held in India	117,76,10,000	
Total Notes issued		2137,36,11,000	(b) Held outside India	..	
			Foreign Securities	88,08,43,000	
			TOTAL		205,84,53,000
			Rupee Coin		123,22,48,000
			Government of India Rupee Securities		1808,29,10,000
			Internal Bill of Exchange and other commercial paper		
TOTAL LIABILITIES		2137,36,11,000	TOTAL ASSETS		2137,36,11,000

Dated the 26th December, 1962

P. C. BHATTACHARYYA,
Governor
[No. F. 3(2)—BC/62.]

A. BAKSI—Joint Secy.

(Department of Economic Affairs)

New Delhi, the 31st December 1962

S.O. 10.—In pursuance of the provisions of the proviso to sub-paragraph (1) of paragraph 13 of the Emergency Risks (Goods) Insurance Scheme, the Central Government hereby directs that in respect of the quarter ending on the 31st March, 1963, the period of seven days referred to in the said sub-paragraph shall be extended to thirty days.

[No. F. 112(23)-INS.I/62.]

S.O. 11.—In pursuance of the provisions of the proviso to sub-paragraph (1) of paragraph 12 of the Emergency Risks (Factories) Insurance Scheme, the Central Government hereby directs that in respect of the quarter ending on the 31st March, 1963, the period of seven days referred to in the said sub-paragraph shall be extended to thirty days.

[No. F. 112(24)-INS.I/62.]

V. P. MITHAL, Under Secy.

(Department of Revenue)

STAMPS

New Delhi, the 5th January 1963

S.O. 12.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby makes the following amendment to the Notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 6, dated the 14th July, 1961, namely:—

In the proviso to the said Notification, after the words "Reserve Bank of India", the words "Industrial Finance Corporation of India", shall be inserted.

[No. 12.]

ORDER

STAMPS

New Delhi, the 5th January 1963

S.O. 13.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which policies of insurance issued under:—

- (a) the Emergency Risks (Goods) Insurance Act, 1962 (62 of 1962); and
- (b) the Emergency Risks (Factories) Insurance Act, 1962 (63 of 1962),

are chargeable under the Indian Stamp Act, 1899.

[No. 17.]

M. G. VAIDYA, Under Secy.

CENTRAL BOARD OF REVENUE

CORRIGENDUM

New Delhi, the 1st January 1963

S.O. 14.—In the Notification of the Central Board of Revenue, dated 22nd September, 1962 and published at page 3104 of the Gazette of India [Part II Section 3(ii)], dated the 29th September, 1962/Asvina 7, 1884, as S.O. 2962, for (No. S/E. No. 85/21/60-L.C.I.) read "(No. 10/F. No. 85/21/60-L.C.I.)":

[No. 8/4/62-L.C.I.]

S.O. 15.—In the Notification of the Central Board of Revenue, dated 22nd September, 1962 and published at pages 3021-3022 of the Gazette of India [Part II, Section 3(ii)], dated 22nd September, 1962/Bhadra 31, 1884 as S.O. 2890 for "No. 8/F. No. 8/4/62-L.C.I.", read "(No. 9/F. No: 8/4/62-L.C.I.)".

[No. 8/4/62-L.C.I.]

J. BANERJEE, Secy.

CENTRAL EXCISE COLLECTORATE, ALLAHABAD

CENTRAL EXCISES

Allahabad, the 13th December 1962

S.O. 16.—3rd Amendment to Notification No. 2/1961 dated the 27th April, 1961.

I. In Column 3 of the table against "Serial No. 2—Supdt" insert the rules 92-B (3); 96-MM & 96-P at appropriate places.

II. In Column 4 of the table against "Serial No. 2—Supdt" add the following—as sub item (viii):—

"Rules 92-B(3); 96-MM & 96-P

With-in the monetary limit of Rs. 500/- in each case."

[No. 4/62A]

S. P. KAMPANI, Collector.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 24th December 1962

S.O. 17.—On his appointment as Joint Chief Controller of Imports and Exports, Calcutta, Shri A. K. Sen, a permanent Grade I Officer of the Central Secretariat Service, relinquished charge of the Office of Secretary, Tea Board, Calcutta, with effect from the afternoon of the 5th December 1962.

[No. 47(18)Plant(A)/56.]

TEA CONTROL

New Delhi, the 24th December 1962

S.O. 18.—In exercise of the powers conferred by section 4 of the Tea Act, 1953 (29 of 1953) read with sub-rule (3) of rule 4 and sub-rule (1) of rule 5 of the Tea Rules, 1954, the Central Government hereby appoints the Secretary to Government, Agriculture Department, Government of Kerala as *ex-officio* member of the Tea Board and makes the following further amendment in the Notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 944 dated the 17th March, 1954, as subsequently amended, namely:—

In the said Notification, in the category of members representing the Governments of the principal tea growing States, for the entry "6. The Director of Agriculture, Government of Kerala, Trivandrum (*ex-officio*): the following entry shall be substituted, namely:—

'6. The Secretary to Government, Agriculture Department, Government of Kerala (*ex-officio*).'

[No. 7(11)Plant(A)/59.]

RUBBER CONTROL

New Delhi, the 1st January 1963

S.O. 19.—In exercise of the powers conferred by clause (xv) of sub-section (2) of section 25 of the Rubber Act, 1947 (24 of 1947), the Central Government hereby makes the following rules to amend the Rubber Board Service (Recruitment) Rules, 1961, namely:—

1. These rules may be called The Rubber Board Service (Recruitment) Amendment Rules, 1963.

2. For the schedule to the Rubber Board service (Recruitment) Rules, 1961, the following shall be substituted, namely:—

SCHEDULE

Name of post	Classification	Scale of pay	Whether selection or non-selection (for promotion posts only)	Minimum qualification for direct recruitment	Minimum qualification for promotion	Method of Recruitment		Categories of posts from which promotion can be made
						(a) Direct	(b) Promotion	
1	2	3	4	5	6	7	8	
I. Administration.								
1. Finance & Accounts Officer.	Class II	Rs. 590-30-830-35-900.	Selection.	A Candidate must be :— (i) a Registered Accountant or have passed an equivalent examination; (ii) possess not less than 5 years experience of holding independent charge of an accounts Office; (iii) possess good knowledge of Treasury Accounts and accounting procedure in Government offices.	B. Com. with accounts or diploma in accountancy with not less than 5 years' experience as Accountant.	Promotion failing which transfer on deputation from Government.		Accountant.
2. Accountant.	Class II	Rs. 325-15-475-B.B.-20-575.	Do.	Graduate in commerce or diploma holder in accountancy with not less than 3 years' experience as Accountant.	Five years experience in Accounts work in the Office.	Promotion failing which transfer on deputation from Government.		Superintendent/Head Clerks.
3. Superintendent.	Class III.	Rs. 350-20-450-25-475.	Do.	..	Three years' experience as Head Clerk.	Promotion		Head Clerks.

4. Head Clerks	Class III.	Rs. 210-10-290-15-320- E.B.-15-380.	Do.	..	..	Promotion	U.D.Cs. with 3 years' experience and stenographers with 8 years' experience in the ratio 3:1 respectively.
5. Upper Division Clerks.	Class III.	Rs. 130-5-160-8-200-E.B.-8-256-E.B.-8-280-10-300.	Non-Selection	..	..	Promotion	L.D. Clerks with 3 years' experience in the grade.
6. Stenographers.	Class III.	Do.	..	Matriculation or equivalent qualification with 100 w.p.m. speed in shorthand & 40 w.p.m. speed in typewriting.	As for direct recruitment	Direct Recruitment. Board's employees with requisite qualification will also be eligible.	..
7. Lower Division Clerks.	Class III.	Rs. 110-3-131-4-155-E.B.-4-175-5-180.	..	Matriculation or equivalent qualification with 30 w.p.m. speed in typewriting. (Physically handicapped persons are exempted from typing qualification).	As for direct recruitment.	Direct, Class IV employees with requisite qualification will be eligible for direct recruitment in the ratio of 50:50.	..
8. Librarian	Class III	Rs. 150-10-250- -EB-10-290-15-320	..	<i>Essential:</i> —A diploma in Library Science. <i>Desirable:</i> —A degree in Science with Botany or Chemistry as main subject.	..	Direct	..

1	2	3	4	5	6	7	8	8
9 Drivers (Van and Jeeps)	Class III	110-3-131-4-139	Selection	Should be in possession of a valid Driving licence (light) vehicles with 3 years' experience.	As for Direct recruitment	Promotion	Class IV	
10 Gestetner Operator	Class IV	80-1-85-2-95-EB-3-110	Non-Selection		Experience in operating Gestetner machines	Promotion	Class IV	
11 Attenders	Class IV	75-1 85-EB-2-95	Non-selection	Pass in Middle School Standard	Middle School Standard or sufficient knowledge in English to the satisfaction of the Appointing authority	Promotion	Peons & Watchers	
12 Peons & Watchers	Class IV	70-1-80-EB-1-85		Pass in Middle School standard		Direct		
I I Statistical Section								
1. Statistical Officer	Class II	325-15-475-EB-20-575		Second Class Master's degree in Statistics or Second Class Master's degree in Mathematics with a diploma in Statistics awarded by an Institution recognised by Government		Direct		
				<i>Desirable</i> (1) experience of work connected with problems of applied statistical methods in planning and analysis of agricultural experiments/surveys (2) Evidence of research work.				

2. Cost Accountant.	Class II	325—15—475 —BB—20—575.	..	(i) Accountancy qualification recognised for enrolment in Register of Members maintained by the Council of the Instt. of Chartered Accountants of India or the Final Examin. of the Instt. of Cost & Works Accountants, London, or the Indian Instt. of Cost & Works Accountants, Calcutta. (ii) About 3 year's practical experience in Cost Accounting work. <i>Desirable</i> : Degree of a Recognised University.	..	Direct	..	..
3. Statistical Assistant.	Class III	210—10—290 —15—320— BB—15—425.	..	Second Class Master's degree in Statistics or Second Class Master's degree in Mathematics with a Diploma in Statistics awarded by an Institution recognised by Government. <i>Desirable</i> : One year's experience in handling statistical data preferably in the field of Agriculture.	..	Direct	..	..
4. Economic Assistant.	Class III	210—10—290 —15—320— BB—15—425.	..	Second Class Master's degree in Economics. <i>Desirable</i> : 2 years' research experience in Agricultural Economics.	..	Direct	..	..

1	2	3	4	5	6	7	8
5. Comptist Class III	130—5—160— 8—200—EB— 8—256—EB— 8—280—10— 300.	..	(i) Graduate in Statistics or Mathematics, (ii) Computers certificate from a recognised Institution or experience in computation of statistical data and handling of calculating machines.	..	Direct	..	..
III. Publicity Section							
1. Editor-cum Information Officer.	Class III 325—15—475 EB—20—575.	..	<i>Essential</i> : 1. A degree in Agriculture or Botany, 2. Should have at least three years' experience in publicity work. <i>Desirable</i> : Must have a flair for writing scientific articles in a popular way. Should be conversant with printing & production work. Must be capable of speaking the local language.	..	Direct	..	..
2. Asst. Editor.	Class III 210—10—290 —15—320— EB—15—425.	..	<i>Essential</i> : A graduate in Agriculture or Botany. <i>Desirable</i> : 1. Should be conversant with journalistic printing and production work. 2. Should know the local language besides ability to write well in English.	..	Direct	..	..
IV. Development							
1. Rubber Production Commissioner.	..	..	..	—	..	To be appointed by the Central Government.	..

2. Deputy Development Officer.	Class I	700—40—1100 50/2—1250.	..	A degree in Botany or Agriculture of a recognised University. Knowledge of modern scientific methods of cultivation including practical experience of replanting and new-planting of rubber. About 10 years' experience in a senior post; ability to supervise the work of the field staff and to undertake advisory work on all aspects of the rubber plantation industry.	..	Direct	..	..
3. Asstt. Development Officers.	Class II	350—25—500 —30—590— EB—30—800 —EB—30— 830—35—900.	Selection	A degree in Agriculture or in Botany with at least 7 years' practical experience in rubber cultivation or extension service.	Same as for direct recruitment.	By direct recruitment and promotion in the ratio of 50:50.	Field Officer.	
4. Field Officers.	Class II	325—15—475 EB—20—575.	Selection.	A degree in Agriculture or Botany with 5 years' practical experience in rubber cultivation or extension service.	Do.	Do.	Junior Field Officer.	
5. Junior Field Office s.	Class III	210—10—290 15—320—EB 15—425.	Selection.	A degree in Agriculture or Botany with 3 years' practical experience in rubber cultivation or extension service.	Do.	Do.	Rubber Instructor.	
6. Rubber Instru or.	Class III	160—10—330.	..	A degree in Agriculture or Botany.	..	Direct	..	..
7. Field Assistant.	Class III	110—4—150— EB—4—170— 5—180—EB— 5—200.	..	Pass in Matriculation or equivalent qualification. Two years' experience in rubber cultivation.	..	Direct	..	..

1	2	3	4	5	6	7	8
V. Research							
1. Director of Research.	Class I	1300—60—1600.	..	Master's degree in Botany or Agriculture with specialisation in Agronomy of a recognised University. About 15 years research experience in Botany or Agrl. A doctorate degree and experience as Head of a research division preferably that dealing with a perennial agricultural crop preferably rubber. Candidates should be able to plan and direct research work in Agronomy, Botany, Plant Pathology and Rubber Technology.	.	Direct	..
2. Deputy Director (Pathology).	Class I	700—40—1100—50/2—1250.	.	1. M.Sc. in Botany or Agriculture with Mycology as special subject, relaxable in the case of higher degrees or special qualifications or experience. 2. At least six years' experience of Mycological Research. 3. Actual field experience of plant protection work especially spraying & dusting of crops with fungicide preparations using power machines, experience of animal and insect pest control.	.	Direct	..
3. Deputy Director (Agronomy).	Class I	700—40—1100—50/2—1250.	.	1. Master's or equivalent Honours Degree in Agriculture with specialisation in Agronomy. Post-graduate training & about 6 years' research experience in application of statistical	..	Direct	..

				methods of planning, analysis of experiments. <i>Desirable</i> : Experience of raising orchards and trees in addition to experience in Agronomy.				
4. Deputy Director (Botany).	Class I	Do.	.	<i>Essential</i> : 1. M.Sc. in Botany or Agriculture with breeding as a special subject. 2. About 6 years' experience of plant breeding work. <i>Desirable</i> : 1. Experience of breeding and plantation of horticultural crops. 2. Experience of rubber cultivation.	..	Direct	..	..
5. Deputy Director (Chemistry/ Rubber Technology).	Class I	Do.	..	M.Sc. or Ph.D. in Polymer, Physical or organic chemistry with 6 years' research experience in the field of natural rubber latex. <i>Desirable</i> : Experience in processing of rubber latex & its application.	..	Direct	..	..
6. Research Assistant (Pathology).	Class II	325—15—475 —EB—20— 575.	..	First or Second Class Hons. or Master's degree in Botany with experience in plant pathology.	..	Direct	..	..
7. Research Assistant (Agronomy).	Class II	Do.	..	First or Second Class Hons. or Master's degree in Chemistry or B.Sc. Agriculture with experience in soil analysis.	..	Direct	..	..
8. Research Assistant (Botany).	Class II	Do.	..	First or 2nd Class Hons. degree or Master's degree in Botany with experience in cytology.	..	Direct	..	..

- NOTE:—1. The appointing authority shall have powers to resort to direct recruitment to any one of the posts specified above where promotions are specified as the method of recruitment, if no qualified persons are available for promotion to such posts.
 2. All promotions from Class IV posts to Class III posts shall be treated as fresh appointments in such posts.
 3. An Upper Division Clerk working as Cashier shall be eligible for a special pay of Rs. 25 per mensem.
 4. The age limit is not applicable in the case of promotees."

S.O. 20.—In exercise of the powers conferred by clause (xv) of sub-section (2) of section 25 of the Rubber Act, 1947 (24 of 1947), the Central Government hereby makes the following rules to amend the Rubber Board Service (Classification, Control and Appeal) Rules, 1961, namely:—

1. These rules may be called The Rubber Board Service (Classification, Control and Appeal) Amendment Rules, 1963.

2. For rule 5 of the Rubber Board Service (Classification, Control and Appeal) Rules, 1961, hereinafter referred to as the said rules, the following rule shall be substituted, namely:—

"5. *Classification of Posts.*—All posts under the Board's Service shall be classified as follows, namely :—

SL No.	Description of Post	Classification of posts
1	2	3
1.	A post carrying a pay or a scale of pay with a maximum of not less than Rs. 950/-	CLASS I
2.	A post carrying a pay or a scale of pay with a maximum of not less than Rs. 575/- but less than Rs. 950/-	CLASS II
3.	A post carrying a pay or a scale of pay with a maximum of over Rs. 110/- but less than Rs. 575/-.	CLASS III
4.	A post carrying a pay or a scale of pay with a maximum of which is Rs. 110/- or less.	CLASS IV

3. For rule 6 of the said rules, the following rule shall be substituted, namely :—

"6. *Constitution of the Board's Service.*—The service shall consist of posts or categories of posts as detailed below:

(A) NON-TECHNICAL POSTS:

ADMINISTRATION

(a) Non-Ministerial:

1. Finance & Accounts Officer.
2. Accountant.

(b) Ministerial:

1. Superintendent.
2. Head Clerks.
3. Upper Division Clerks.
4. Stenographers.
5. Lower Division Clerks.
6. Librarian.
7. Drivers (Van and Jeeps).

(c) Class IV:

1. Gestetner Operator.
2. Attenders.
3. Peons & Watchers.

Any other post or posts not falling under any of the categories mentioned above that may be created with the approval of the Central Government.

(B) TECHNICAL POSTS :

RESEARCH

1. Director of Research.
2. Deputy Director (Pathology)
3. Deputy Director (Agronomy)
4. Deputy Director (Botany)
5. Deputy Director (Chemistry/Rubber Technology).
6. Research Assistant (Pathology)
7. Research Assistant (Agronomy)
8. Research Assistant (Botany)

DEVELOPMENT.

1. Rubber Production Commissioner.
2. Deputy Rubber Production Commissioner.
3. Assistant Development Officers.
4. Field Officers.
5. Junior Field Officers.
6. Rubber Instructors.
7. Field Assistants.

STATISTICAL SECTION.

1. Statistical Officer.
2. Cost Accountant.
3. Statistical Assistant.
4. Economic Assistant.
5. Comptist.

PUBLICITY SECTION.

1. Editor-cum-Information Officer.
2. Assistant Editor.

Any other post or posts not falling under any of the categories mentioned above that may be created with the approval of the Central Government."

4. In the Schedule to the said rules in column 1 for the entries "Class II posts the maximum salary of which exceeds Rs. 500/-" and "All other class II posts", the following entries shall respectively be substituted, namely :—

"Class II posts carrying a pay or a scale of pay with a maximum exceeding Rs. 575/- per mensem." and

"Class posts carrying a pay or a scale of pay with a maximum not exceeding Rs. 575/- per mensem."

[File No. 21(8) Plant(B)/62.]

B. KRISHNAMURTY, Under Secy.

New Delhi, the 28th December 1962

S.O. 21.—The following amendments made to its articles of association by The Kanpur Oils and Oilseeds Exchange Limited, Kanpur, in exercise of the powers conferred on it by sub-section (1) of section 9A of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), and approved by the Central Government are hereby published, as required by sub-section (2) of that section, namely:—

The Articles of Association of the Kanpur Oils and Oilseeds Exchange Limited, Kanpur, shall be amended as follows:—

1. In Article 9:—

- (1) In clause (a)—(a) in the first sentence, after the words 'person or persons' and before the words 'having a place of business' the words 'or a firm or a Hindu undivided family' shall be inserted;

(b) after the words 'a person' and before the words 'who is declared a defaulter' the words, 'firm or Hindu undivided family' shall be inserted;

(ii) to clause (a), the following proviso shall be added, namely:—

"Provided that a partnership firm shall have to furnish with its application for membership of the Exchange, a true copy of the partnership deed."

(iii) to clause (b), the following proviso shall be added, namely:—

"Provided that a person, a firm or a Hindu undivided family which was a member or share holder of any of the following associations, namely:—

- (1) the Upper India Sugar Exchange Ltd.;
- (2) the Cawnpore Sugar Merchants' Association;
- (3) the National Chamber of Commerce Ltd.; and
- (4) Vyavasayi Sangh Ltd., Kanpur,

on 1st May, 1961, and has continued to be a member of the association concerned till the date of his or its application for membership of the Exchange, shall have to pay an admission fee of Rs. 250/- only if his or its application for membership of the Exchange is supported by a certificate to the above effect from the association concerned and that the application is received by the Exchange within a period of three months from the date of recognition of the Exchange in respect of forward contracts in Gur. After the expiry of the said period the full admission fee of Rs. 500/- shall become payable by the concerned applicants for membership of the Exchange."

2. In Article 9A, for clause (iii), the following clause shall be substituted, namely:—

"(iii) The Board shall, within four months from the date of recognition to the Exchange in respect of rapeseed and mustardseed, with the prior approval of the Commission, finalise the number of panels into which the members of the Exchange shall be classified and fix the number of the Directors to be elected by each of the panels on the Board of Directors; provided that the Crushers and Oil Millers Panel shall have not less than two Directors subject to the condition that the membership of that panel is not less than two. The Board shall have the power, with the previous approval of the Forward Markets Commission, to alter or vary, from time to time, the number and designation of the above panels and to re-allocate the number of seats allotted to such panels on the Board of Directors."

3. In Article 11, after the words, 'subject of India' and before the words, 'shall be eligible' the words, "or a firm, or a Hindu undivided family of which any member is not a subject of India" shall be inserted.

4. In Article 17, for the word 'firm' the words, "firm or Hindu undivided family" shall be substituted.

5. After Article 19A, the following new Article shall be inserted, namely:—

"19B. In the event of a member taking into partnership with him another person or persons, or being a firm, altering its style or constitution, then on application to the Board and upon such terms and conditions and upon payment of such fees as the Board may deem fit to impose in their absolute and uncontrolled discretion, such member may transmit his or its membership to such firm so styled or constituted, as the case may be, provided such transmittee shall not be otherwise disqualified for membership."

6. In Article 26, in clause (a), for the words, "person or persons", the following words shall be substituted, namely:—

"member of the Exchange, including, in the case of a firm, the full names of all the partners and, in the case of a Hindu undivided family, the name and address of its manager."

7 After Article 28, the following new Article shall be added namely

"28A Every member being a firm or a Hindu undivided family shall from time to time by nomination in writing signed by one of the partners or a person holding general power of attorney of the firm and in the case of a Hindu undivided family by the Manager, nominate one of the partners in the case of firms and Manager or one of the major coparceners in the case of Hindu undivided family or a person duly authorised and in a place of business at Kanpur and who shall have full authority to act as and in the name of the members business at Kanpur in the commodities or their products or by-products, for which the Exchange is recognised under the Forward Contracts (Regulation) Act 1952, to be its authorised representative"

8 In Article 33, after the word, 'person' the words "firm Hindu undivided family" shall be inserted

[No 33(3) TMP/FMC/62]

M L GUPTA, Under Secy

PUBLIC NOTICE

EXPORT TRADE CONTROL

New Delhi, the 5th January 1963

SUBJECT —*Export of Seedlac, Shellac, and all other forms of LAC and manufactures thereof.*

S.O. 22.—In partial modification of paragraph 2 of Public Notice No 9/ETC(PN)/62 dated the 29th October, 1962, it has been decided by the Government of India that a certificate to the following effect shall accompany the application for the export of seedlac shellac, buttonlac, garnetlac, refuselac and all other forms of lac or manufactures thereof, excluding sticklac:—

- (i) where the export is for seedlac, fifty per cent (by weight) of the quantity of seedlac to be exported has been acquired from the stocks held by the State Trading Corporation and
- (ii) where the export is for shellac, buttonlac, garnetlac, refuselac and all other forms of lac or manufactures thereof, excluding sticklac, a quantity of seedlac equivalent to fifty per cent (by weight) of shellac, buttonlac, garnetlac, refuselac and all other forms of lac or manufactures thereof, excluding sticklac, as the case may be to be exported, has been acquired from the stocks held by the State Trading Corporation

[No. 1/ETC(PN)/63]

K. T. SATARAWALA,

Chief Controller of Imports and Exports.



(Indian Standards Institution)

New Delhi, the 20th December 1962

S.O. 23.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, as amended in 1962, the Indian Standards Institution hereby notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) is/are given in the Schedule hereto annexed, has/have been specified.

This/These Standard Mark(s), for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, as amended in 1961, and the rules and regulations framed thereunder, shall come into force with effect from 1 January 1963.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Products to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark.
(1)	(2)	(3)	(4)	(5)
	IS:780 	Sluice Valves for Water Works Purposes	IS : 780-1956 Specification for Sluice Valves for Water Works Purposes	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in Col (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.
	IS:1520 	Horizontal Centrifugal Pumps for Clear, Cold Fresh Water	IS : 1520-1960 Specification for Horizontal Centrifugal Pumps for Clear Cold, Fresh Water	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in Col. (2) the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. MD/17:24]

S.O. 24.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that the marking fees per unit for various products details of which are given in the Schedule hereto annexed, have been determined and the fee shall come into force with effect from 1st January, 1963.

THE SCHEDULE

Serial No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
1	2	3	4	5
1	Sluice Valves for Water Works Purposes	IS : 780-1956 Specification for Sluice valves for Water Works Purposes	One Valve	35 nP per unit for the first 5,000 units 20 nP per unit for the next 5,000 units or part thereof. 10 nP per unit for the 10 001st unit and above with a minimum of Rs. 2,500.00 for production during a calendar year.

1	2	3	4	5
2	Horizontal Centrifugal Pumps for Clear, Cold Fresh water	IS 1520-1960 Specification for Horizontal Centrifugal pumps for Clear, Cold, Fresh Water	25 mm	10 nP per unit size of pump up to 75 mm. 15 nP per unit size of pump above 75 mm and upto 150 mm and Re. 1 00 per unit size of pump above 150 mm with a minimum of Rs. 1500 00 for production during a calendar year.

[No MD/18-2.]

New Delhi, the 21st December 1962

S.O. 25—In pursuance of sub-regulation (3) of regulation 3A of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that it recognizes the British Standard, the particulars of which are given in the Schedule hereto, annexed, as an Indian Standard, designated as IS : 2215-1962 Specification for Starters for Fluorescent Lamps

THE SCHEDULE

Sl. No.	Number and Title of the Recognized Standard	Name and address of the Organization which prepared and Established the Standard	Brief Particulars of the Recognised Standard	Remarks
(1)	(2)	(3)	(4)	(5)
1	B. S 2818 : Part 3 1957 Auxiliaries for operation of Fluorescent Lamps Part 3 Starters	British Standards Institution, British Standard House, 2 Park Street, London W 1.	This Standard relates to the testing and dimensions of two-pin and four-pin large canister-type starters for the operation of 80-watt 5-ft mains-voltage fluorescent lamps conforming to B S 1853, Tubular Fluorescent Lamps, and also applies to small canister starters except for the dimensions (Price Rs 3 40)	This Institution has already circulated for comments draft Indian Standard Specification for Starters for Fluorescent Lamps [Doc. ETDC 23 (162)] and as soon as it is finalised and established as an Indian Standard, the recognition given to the British Standard in this Notification will be withdrawn

Copies of this Standard are available, for sale, with the Indian Standards Institution, Manak Bhavan, 9 Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadabhai Naorji Road, Fort, Bombay-1 (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, (iii) 2/21 First Line Beach, Madras-1 and (iv) 14/69 Civil Lines Kanpur

[No MD/13-2 1]

New Delhi, the 26th December 1962

S.O. 26—In exercise of the powers conferred by sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies the issue of errata slips particulars of which are given in column (4) of the Schedule hereto annexed, in respect of the Indian Standards specified in column (2) of the said Schedule.

THE SCHEDULE

Serial No.	No. and Title of Indian Standard	No. and date of Gazette Notification in which establishment of Indian Standard was notified	Particulars of Errata Slip issued
I	2	3	4
1	IS : 434-1953 Specification for Rubber-Insulated Cables and Flexible Cords for Electric Power and Lighting (for working Voltages Upto and Including 11 kV) (<i>Tentative</i>).	S.R.O. 658 dated 26 March 1955	Fourth line, from '10,000' to '10,000' please read '10,000' for '10,000'.
2	IS : 1502-1959 Specification for Rayon Linen.	S.O. 1346 dated 28 May 1960.	Please read 'Shantung' for 'Rayon Linen', in the title and the body of the standard wherever it appears.
3	IS : 1559-1961 Methods of Chemical Analysis of Ferro-Alloys,	S.O. 2562 dated 11 August 1962	<p>(i) Page 69, Appendix A, under column 'Si', against 'Ferrosilicon' please read '15 to 75' for '15 to 17'.</p> <p>(ii) Page 69, Appendix A, under column 'Mn', against 'Ferromanganese and Speigleisen'. Please insert double asterisk (**) before '65 Mln' and add in between the first two lines of the footnotes under the thick rule, the following :—</p> <p>***In speigleisen, manganese content may be 15 to 25 per-cent'</p> <p>(iii) Page 69, Note at the bottom of Appendix A Please read 'Note 1' for 'Note' and add the following 'as Note 2',</p> <p>"NOTE 2.—The word 'NIL', wherever it appears in the above appendix, implies that the constituent has not been specified in the relevant Indian Standard specifications."</p>

Copies of these Errata Slips are available, free of cost, with the Indian Standards Institution, Manak Bhavan, 9, Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dada-bhoy Naoroji Road, Bombay-1, (ii) Third Floor, 11 Sooterkn Street, Calcutta-13, (iii) 2/21 First Line Beach, Madras-1, and (iv) 14/69 Civil Lines, Kanpur.

[No. MD/13:6.]

S.O. 27.—In partial modification of the rate of marking fee for Copper Rods for Boller Stay Bolts and Rivets and Copper Bars and Rods for Electrical Purposes, notified in the Schedule annexed to the Ministry of Commerce and Industry (Indian Standards Institution) Notification No. S.O. 361 dated the 4th February 1960, published in the Gazette of India, Part II, Section 3 Sub-section (ii), dated

the 13th February 1960, the Indian Standards Institution hereby notifies that the marking fee per unit for Copper Rods for Boiler Stay Bolts and Rivets and Copper Bars and Rods for Electrical Purposes details of which are given in the Schedule hereto annexed, have been revised. The revised rate of marking fee shall come into force with immediate effect.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking fee per Unit
1.	Copper Rods for Boiler Stay Bolt and Rivets	IS : 288-1960 Specification for Copper Rods for Boiler Stay Bolts and Rivets (<i>Revised</i>)	One Metric Tonne	Rs. 3.00
2.	Copper Bars and Rods for Electrical Purposes	IS : 613-1954 Specification for Copper Bars and Rods for Electrical Purposes	One Metric Tonne	Rs. 3.00

[No. MD/18:2.]

C. N. MODAWAL,

Head of the Certification Marks Division.


(Indian Standards Institution)

New Delhi, the 26th December 1962

S.O. 28.—In pursuance of sub-rule(1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, as amended in 1962, the Indian Standards Institution hereby notifies that the Standard Mark(s) design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard (Marks), for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, as amended in 1961, and the rules and regulations framed thereunder, shall come into force with effect from 15 January, 1963.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Products to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1	IS:627 	chains	IS:627-1961 Specification for Bicycle Chains (<i>Revised</i>)	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

(1) (2) 3 (4) (5)

2



Ammonium Chloride, Pure] IS 1113-1957 Specification for Ammonium Chloride Pure

The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design

[MD/17'2]

S.O. 29—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that the marking fee per unit for Bicycle Chains and Ammonium Chloride, Pure details of which are given in the Schedule hereto annexed, have been determined and the fee shall come into force with effect from 15 January, 1963

THE SCHEDULE

Sl No.	Products/Class of Products	No. and title of relevant Indian Standard	Unit	Marking fee per unit
(1)	(2)	(3)	(4)	(5)
1	Bicycle Chains	IS:627-1961 Specification for Bicycle Chains (<i>Revised</i>)	One Chain	1 nP per unit with a minimum of Rs. 1,000 00 for production during a calendar year
2	Ammonium Chloride, Pure	IS:1113-1957 Specification for Ammonium Chloride, Pure	One Metric Tonne	Rs 5 00 per unit with a minimum of Rs. 500 00 for production during a calendar year

[No MD/18 2]

A N GHOSH,

Ag Director.

MINISTRY OF MINES & FUEL

New Delhi, the 26th December 1962

S.O. 30—In exercise of the powers conferred by sub-section (2) of section 4 of the Coal Mines (Conservation and Safety) Act, 1952 (12 of 1952), the Central Government hereby appoints Shri A. C. Bose, Coal Controller, Calcutta, as Chairman of the Coal Board and directs that the following amendment shall be made in the notification of the Government of India in the late Ministry of Steel, Mines and Fuel (Department of Mines and Fuel) No SO 488 dated the 19th February, 1960, namely—

In the said notification, for Item 1 and the entries relating thereto, the following shall be substituted, namely—

"1 Shri A. C. Bose, Coal Controller—Chairman"

[No. C5-1(27)/62.]

New Delhi, the 27th December 1962

S.O. 31.—In pursuance of clause 4 of the Colliery Control Order, 1945, as continued in force by section 16 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Mines and Fuel No. S.O. 3197 dated the 20th October, 1962, namely:—

In the said notification in Table III,—

(1) after the item Bimalapore Colliery and the entries relating thereto, the following shall be inserted, namely:—

Name of colliery	Type of coal	Price per ton of 2240 pounds.	Price per tonne of 1000 kilograms
		Rs. nP.	Rs. nP.
"Sheelvata Colliery	Run-of-mine	26 8r	26 39";

(2) in NOTE 2,—

- (i) after the word "Dilli" occurring for the first time, the word "Sheelvata" shall be inserted;
- (ii) after the words "Dilli Colliery of Dilli Colliery Company", the words "Sheelvata Colliery" shall be inserted.

[No. C5-12(39)/62.]

N. LAKSHMAN RAU, Dy. Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

New Delhi, the 20th December 1962

S.O. 32.—In pursuance of sub-section (1) of section 7 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), and in partial modification of the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. S.O. 921, dated 20th March, 1962, the Central Government hereby appoints the Under Secretary in charge of Livestock Development in the Ministry of Food and Agriculture, Department of Agriculture, to be the Secretary of the Animal Welfare Board.

[No. 9-30/62-LD.]

AMEER RAZA, Jt. Secy.

MINISTRY OF HEALTH

New Delhi, the 26th December 1962

S.O. 33.—In pursuance of clause (a) of rule 3 of the Prevention of Food Adulteration Rules, 1955 the Central Government hereby authorises the Director General of Health Services, the Deputy Director General of Health Services (Public Health), and the Assistant Director General of Health Services (Public Health) to send samples of food to the Central Food Laboratory, Calcutta, for analysis and submission of the certificate of analysis.

[No. F. 14-18/62-PH.]

New Delhi, the 31st December 1962

S.O. 34.—In exercise of the powers conferred by sub-Section (4) of Section 13 of the Indian Medical Council Act, 1956 (102 of 1956) and after consultation with the Medical Council of India, the Central Government hereby makes the following amendments in Part II of the Third Schedule to the said Act, namely:—

In the said Part of the Third Schedule, after the entry “Licentiate of the Medical Faculty, East Bengal .. L.M.F. (East Bengal), the following entries shall be inserted, namely:—

M.D. (Duesseldorf)

M.D. (Erlangen)

M.D. (Frankfurt am Main)

M.D. (Giessen)

M.D. (Goettingen)

M.D. (Kiel)

M.D. (Koeln)

M.D. (Hamburg)

M.D. (Mainz)

M.D. (Marburg)

M.D. (Muenster)

M.D. (Tuebingen)

M.D. (Wuerzburg)

[No. F. 17-6/62-MI.]

B. B. L. BHARADWAJ, Under Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS

(Department of Communications and Civil Aviation)

(P. & T. Board)

New Delhi, the 20th December 1962

S.O. 35.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in the notification of the Government of India

in the late Ministry of Communications (Posts and Telegraphs) No. S.R.O. 620, dated the 28th February, 1957, namely:—

In the schedule to the said notification,—

- (1) In Part II—General Central Service, Class III, under the heading 'Circle Offices and Returned Letter Offices', against the entry 'All other Posts' in column 1, for the existing entry 'Deputy Director (in minor circles)' in columns 2, 3 and 5, the following entry shall be substituted, namely:—

"Deputy Director (in major circles, where there is no post of Director of Postal Services, and in minor circles)";

- (2) In Part III—General Central Service, Class IV, under the heading 'Circle Offices and Returned Letter Offices', against the entry 'All posts' in column 1, for the existing entry 'Deputy Director (in case of minor circles)' in column 5, the following entry shall be substituted, namely:—

"Deputy Director (in major circles, where there is no post of Director of Postal Services, and in minor circles)".

[No. 44/30/62-Disc.]

D. K. AGARWAL,

Assistant Director General.

MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

New Delhi, the 31st December 1962

S.O. 36.—In pursuance of sub-section (3) of section 31 of the Institutes of Technology Act, 1961 (59 of 1961), the Central Government hereby makes the following amendment to the notification of the Government of India in the Ministry of Scientific Research & Cultural Affairs No. F. 24-5/62-T. 6 dated the 9th May, 1962, namely:—

In the said notification, for the existing para 2, the following shall be substituted, namely:—

- "2. Shri H. S. Shahani, Assistant Educational Adviser (Tech.) in the Ministry of Scientific Research and Cultural Affairs, shall act as the Secretary of the Council".

[No. F. 24-5/62-T. 6.]

G. K. CHANDIRAMANI, Jt. Secy.

MINISTRY OF EDUCATION

New Delhi, the 28th December 1962

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT, 1890

AND

IN THE MATTER OF THE NATIONAL FOUNDATION FOR TEACHERS' WELFARE.

S.O. 37.—This Ministry's Notification No. F. 17-90/61-A.3, dated the 28th November, 1962 is hereby rescinded except in so far as acts already performed thereunder up to the date of the issue of the present Notification are concerned. With effect from the same date Shri B. N. Malhan, Deputy Secretary in this Ministry will replace Shri K. R. Ramachandaran as Secretary-Treasurer of the Foundation.

[No. F. 17-90/61-A.3.]

M. C. MINOCHA, Under Secy.

MINISTRY OF WORKS, HOUSING & REHABILITATION

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

ORDER

New Delhi, the 29th December 1962

S.O. 38.—In the order issued in pursuance of rule 76-A of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 vide Notification No. F. 15(27) Policy-I/60-Comp, dated the 16th January, 1961, for the words and figures "31st December, 1962" the words and figures "30th June, 1963" may be substituted.

[No. F. 15(27) Policy-I/60 (Comp. & Prop.)]

N. P. DUBE, Jt. Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 28th December 1962

S.O. 39.—In exercise of the powers conferred by section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule (2) of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Smt. Lalitha Balakrishna Shetty as a member of the Advisor Panel of the said Board at Madras with immediate effect.

[No. 11/4/62-FC]

S. PADMANABHAN, Under Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 22nd December 1962

S.O. 40.—In exercise of the powers conferred by sub-section (1) of section 3 of the Personal Injuries (Emergency Provisions) Act, 1962 (No. 59 of 1962), the Central Government hereby makes the following Scheme for the grant of relief in respect of personal injuries and personal service injuries sustained during the period of the emergency, namely:—

THE PERSONAL INJURIES (EMERGENCY PROVISIONS) SCHEME, 1962

PART I

PRELIMINARY

1. Short title and commencement.—(1) This Scheme may be called the Personal Injuries (Emergency Provisions) Scheme, 1962.

(2) It shall be deemed to have come into force on the 26th October, 1962.

(3) It extends to the whole of India.

2. Definitions.—In this Scheme unless the context otherwise requires—

(a) The “Act” means the Personal Injuries (Emergency Provisions) Act, 1962 (No. 59 of 1962);

(b) “civil defence organisation” means any such organisation as is mentioned in clause 3 of this Scheme;

(c) “claims officer” means any authority appointed by the Central or any State Government to make payments under this Scheme;

(d) “competent medical authority” means any medical authority appointed for the purposes of this Scheme by the Central or State Government;

(e) “injury for which relief may be given on the higher scale” means an injury which is—

(i) a personal injury sustained by a civil defence volunteer, which is shown to the satisfaction of the Claims Officer to have arisen out of, and in the course of the performance by the volunteer of, his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained; or

(ii) a personal injury sustained by a person engaged in any employment specified in this behalf by the Central Government if the injury was sustained at any time on a day on which he was on duty in connection with that employment or would have been on duty but for that day being a recognised holiday or day of rest or for his being casually absent from duty on account of illness, injury or other similar cause, or for any other reason which in the opinion of the Claims Officer was good and sufficient.

(f) “public funds” means money provided by the Central or a State Government after due appropriation made by law;

(g) “qualifying injury” means an injury specified in clause 4;

(h) words and expressions not defined in this Scheme shall have the meanings assigned to them in the Act.

3. Civil defence organisations for purposes of the Act and the Scheme.—The organisations or services specified in the Schedule I to this Scheme are hereby declared to be “civil defence organisations” for the purposes of the Act and of this Scheme.

4. Injuries in respect of which awards may be made.—Save as is otherwise provided in this Scheme, a payment may be made in respect of any injury sustained during the period of the emergency which is—

(a) a personal injury sustained by a gainfully occupied person, or

(b) a personal service injury sustained by a civil defence volunteer, or

(c) a personal injury sustained by persons of such other classes as may be notified in this behalf by the Central Government, or

(d) a personal injury causing death, sustained by a person substantially dependent for his livelihood on a pension, annuity or other income ceasing with his death.

PART II

TEMPORARY ALLOWANCES

5. Award of temporary allowance.—Where a qualifying injury has incapacitated a person for work for a period of not less than three consecutive days that person shall be entitled to be awarded in respect of that injury an allowance (in this Scheme referred to as a temporary allowance) in accordance with the provisions of this Part.

6. Conditions of payment of temporary allowance.—A temporary allowance shall be payable only for so long as the person to whom it has been awarded is incapacitated for work by the injury in respect of which it has been awarded, and shall in no case be continued after the end of the sixth month from the date on which the injury was sustained.

7. Mode of payment.—Temporary allowance shall be paid half-monthly in arrears on the 1st and 16th of each month. If the incapacity for work ceases during a half-monthly period, no payment shall be made unless during that period the incapacity has existed for not less than three days, in which case the payment shall be proportionately reduced.

8 Rates of temporary allowances.—Temporary allowances shall, subject to the provisions of clause 31 of this Scheme, be payable at the following rates, namely:—

- (a) where the injury is one for which relief may be given on the higher scale, at the half-monthly rate of fifteen rupees;
- (b) in the case of any other injury, at the half-monthly rate of twelve rupees and fifty naye paise.

9. Temporary allowance not to be drawn with disability pension.—A temporary allowance shall cease to be payable to a person on the date on which a disability pension under Part III of this Scheme becomes payable to him.

10. Failure to draw temporary allowance.—Any payment by way of temporary allowance not drawn within three months from the date on which it might first have been drawn shall cease thereafter to be payable:

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure to draw the payment he may condone the delay.

11. Awards in cases to which clause 29 applies.—When a person who, but for the provisions of clause 29 of this Scheme, would have been entitled to be awarded a temporary allowance, reaches the age of fifteen years, before the end of the sixth month from the date on which the qualifying injury was sustained, he shall, subject to all the provisions of this Part then become entitled to be awarded a temporary allowance.

PART III

DISABILITY PENSIONS TO PERSONS WHO HAVE SUSTAINED INJURIES CAUSING
SERIOUS AND PROLONGED OR PERMANENT DISABLEMENT

12. Disability pensions.—Where a qualifying injury sustained by a person causes him serious and prolonged or permanent disablement, he shall be entitled to be awarded in respect of that injury a pension (in this Scheme referred to as a disability pension), in accordance with the provisions of this Part.

13. Assessment of degree of disablement.—(1) For the purpose of assessing the rate of disability pension, disablements shall be expressed in percentages as set forth in the Schedule II to this Scheme. Where there is more than one disablement, the total disablement shall be expressed as the sum of the disablements, so, however, as not in any case to exceed 100 per cent.

(2) When the injury or illness causing the disablement is one not provided for in the Schedule II to this Scheme, the disablement shall be estimated by a competent medical authority, at such percentage shown in the said Schedule as may most closely correspond to it.

14. Rates of disability pensions.—(1) Where the disablement resulting from a qualifying injury is expressed or estimated as 10 per cent, or over, a disability

pension shall subject to the provisions of clause 31 be awarded at the following rates, namely:—

Where the percentage of disablement is	If the injury is one for which relief may be given on the higher scale.	If the injury is not one for which relief may be given on the higher scale.
	Rs. per mensem	Rs. per mensem
100	30	25
90	27	22.50
80	24	21
70	21	17.50
60	18	15
50	15	12.50
20 to 40	12	10
10	10	9

(2) Where the disablement is not more than 50 per cent. the Claims Officer, may, if he is satisfied that the injured person is not debarred from all means of livelihood, substitute for the disability pension a lump sum payment calculated at 70 times the monthly payment specified in the foregoing sub-clause.

15. Commencement of disability pension, revision of award after two years or otherwise.—(1) If before the end of the sixth month from the date on which the injury was received, the competent medical authority certifies that the disablement caused to a person by a qualifying injury is permanent and incapable of diminution, the Claims Officer may at once award to that person in accordance with sub-clause (1) of Clause 14, a disability pension payable for life, or in accordance with sub-clause (2) of clause 14, a lump sum payment.

(2) If at the end of the six months from the date on which the injury was received, or at any time within those six months when the injured person ceases to be entitled to a temporary allowance, it remains uncertain whether the disablement is permanent and incapable of diminution, the pension shall in the first instance be awarded for two years only, and, on the expiry of those two years, shall be awarded for life in accordance with the assessment then made by the competent medical authority of the percentage of disablement subsisting.

(3) Where a disability pension, but not a lump sum payment in substitution therefor, has been awarded, and thereafter the disablement increases to a higher percentage than that on which the award was based and such increase is certified by a competent medical authority to be attributable to the original qualifying injury, the Claims Officer may increase the disability pension to the appropriate higher rate with effect from the date on which the increased disablement is established by the certificate of the competent medical authority.

(4) Where a disability pension, but not a lump sum payment in substitution therefor, has been awarded, and thereafter the disablement decreases to a lower percentage than that on which the award was based, the Claims Officer may decrease the disability pension to the appropriate lower rate with effect from the date on which the decreased disablement is established by the certificate of the competent medical authority.

16. Mode of payment.—Disability pensions shall be payable quarterly in arrears:

Provided that if the Claims Officer considers that this course may result in hardship in any particular case, he may order that the pension shall be payable monthly in arrears

17. Cancellation of award on failure to draw pensions.—(1) Where a person to whom a disability pension has been awarded, fails to draw that pension for a continuous period of not less than twelve months, the Claims Officer shall cancel the award, and no payment of the arrears of that pension shall be made:

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure to draw the pension, he may condone the failure,

(2) Where a person, to whom a lump sum payment has been awarded under sub-clause (2) of clause 14 fails to draw that sum within twelve months from the date of the award, the Claims Officer shall cancel the award and no further claim to pension or to lump sum payment shall be entertained;

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure to draw the pension, he may condone the failure.

18. Awards in cases to which clause 29 applies.—When a person, who, but for the provisions of clause 29 of this Scheme, should have been entitled to be awarded a disability pension, reaches the age of fifteen years, he shall then become entitled to be awarded a disability pension, the amount of the award being based on his disablement as assessed at the time he reached the age of fifteen years.

PART IV

FAMILY PENSIONS AND CHILD'S ALLOWANCES

19. Family pensions and child's allowances, purpose and amount.—(1) When a person dies as the result of a qualifying injury, there shall be payable, in accordance with the following provisions of this Part—

- (a) to one surviving eligible member of his family, a pension, in this scheme referred to as family pension, and
- (b) to each of his legitimate children, an allowance in this Scheme referred to as a child's allowance.

(2) A family pension, though payable to one surviving eligible member of a family only, shall be spent for the support of all surviving eligible members of the family.

(3) The amount of family pension shall, subject to the provisions of clause 31 of this Scheme, be twenty rupees monthly.

(4) The amount of the child's allowance shall, subject to the provisions of clause 31 of this Scheme, be five rupees monthly for each child so long as a family pension continues to be paid to any surviving eligible member of the family, and seven rupees and fifty naye paise monthly for each child if no family pension is being paid.

(5) If the person to whom a family pension is payable is a minor, the pension shall be paid for the benefit of the eligible members of the family to the legal guardian of such a person.

(6) A child's allowance payable to a minor child shall, unless the Claims Officer otherwise directs, be paid for the benefit of the child to the person to whom the family pension under the award is payable, or if such person is himself a minor or if no family pension is payable under the award, to the legal guardian of the child.

20. Members of a family who are eligible.—In this Part, "eligible member of a family" means in relation to a person dying as the result of a qualifying injury,—

- (i) his widow lawfully married;
- (ii) a legitimate son;
- (iii) a legitimate daughter;
- (iv) his father;
- (v) his mother;

Provided in each case that none of the conditions necessary for eligibility under clause 21 is infringed.

Note.—The term "father" and "mother" shall be deemed to include such putative parents as had not contracted a lawful marriage, but were living as husband and wife at the time of, or got lawfully married subsequent to, the conception of the said person.

21. Conditions of eligibility.—The following are the conditions governing the eligibility of the five classes of persons mentioned in clause 20—

- (1) A widow shall not be eligible if she remarries.
- (2) A son shall not be eligible if he is above the age of 18 years unless he is physically or mentally unable to support himself.
- (3) A daughter shall not be eligible, if she has a husband living, or marries or being above the age of 18 years, is able to support herself.
- (4) The father shall not be eligible if, at the time when the qualifying injury was sustained, he is below the age of 50 years, unless he is physically or mentally unable to support himself, but he shall become eligible on attaining the age of 50 years.

(5) The mother shall not be eligible if, at the time when the qualifying injury was sustained, the father of the deceased is still alive, but shall become eligible on his death for so long as she remains unmarried. If she is a widow at the time when the qualifying injury is sustained, she shall continue to be eligible only so long as she remains unmarried. If at the time when the qualifying injury was sustained, she was already remarried to a husband other than the father of the deceased, she shall be eligible and shall continue to be eligible if thereafter widowed for so long as she remains unmarried.

22. Family pension by whom to be received.—(1) Where there are surviving eligible members of more than one of the classes specified in the list in clause 20, the family pension shall be payable to the members specified earliest in that list:

Provided that where there are two or more widows, the longest married shall be entitled to get the family pension and where there are two or more children, the eldest shall be entitled to get the family pension.

(2) Where there is no eligible widow, son or daughter and the family pension has not been made payable to the father of the deceased solely because the father had not yet reached the age of fifty years, it shall be made payable to him on his attaining the age of fifty years, subject to the sub-clause next following.

(3) When the member to whom the family pension is payable under the foregoing provisions of this clause dies or ceases to be eligible, then, the family pension shall be payable to other eligible member of the family.

(4) No claim to receive a family pension shall be entertained if made by a member who has, by the time the claim is preferred, already ceased to be eligible.

23. Date from which family pension takes effect.—A family pension when awarded shall become payable as from the day following that on which the qualifying injury causing the death was sustained:

Provided that where the family member, to whom the pension would have been payable on that day, has, before the Claims Officer has made the award, died or ceased to be eligible and the pension has consequently become payable to another member, the pension shall be payable to the last mentioned member as from the day following that on which the first mentioned member died or ceased to be eligible, and the arrears from the day following that on which the qualifying injury occurred up to the day on which the first mentioned member died or ceased to be eligible shall, subject to the provisions governing the payment of belated claims, be paid to the first mentioned member or his estate:

Provided further that if, before the Claims Officer has made the award, all the members who were eligible on the day following that on which the qualifying injury occurred have died or ceased to be eligible, the Claims Officer shall have full power to dispose of any arrears in such manner as he may think fit.

24. Division of family pension.—(1) If the Claims Officer is satisfied, on application made to him, that the member to whom a family pension is payable refuses to contribute reasonably to the support of the other eligible members of the family or that a family pension payable to a child is not being utilised for the benefit of the other eligible members of the family, he may divide the pension at his discretion among all the eligible members and make it payable as so divided to each member individually.

(2) Any such division shall not affect the provisions contained in sub-clause (3) of clause 22 but, so long as the member to whom the pension is originally awarded continues to be alive and eligible, if any member receiving one of the divided portions of the pension dies or ceases to be eligible, his share shall be added to the amount distributable to the member or members still surviving and eligible.

(3) A division under this clause shall not ordinarily be made at the instance of children in receipt of children's allowances, but the Claims Officer may even in such a case at his discretion make a division of the family pension to avert special hardship.

25. Duration of payment of children's allowances.—A child's allowance shall cease to be payable—

(a) to a male on his attaining the age of 15 years; and

(b) to a female on her attaining the age of 16 years or on her marriage, whichever of these dates is the later;

Provided that the Claims Officer may, if satisfied that a male child to whom allowance is payable is physically or mentally unable to support himself, continue the allowance.

26. Mode of payment of family pensions and children's allowances.—Family pensions and children's allowances shall be paid quarterly in arrears:

Provided that, if the Claims Officer considers that this course might result in hardship in any particular case, he may order that the pension or allowance shall be payable monthly in arrears.

27. No award when death occurs more than seven years after injury.—No award of family pension or child's allowance shall be made in any case where the death giving rise to the claim occurs more than seven years after the date on which the qualifying injury causing the death was sustained.

28. Where a family pension or a child's allowance which has been awarded has not been drawn for a continuous period of not less than 12 months the Claims Officer shall cancel the award, and no payment of the arrears of that pension or allowance shall be made:

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure to draw the pension or allowance during such period, he may condone the failure.

PART V

PROVISIONS APPLICABLE TO AWARDS GENERALLY

29. No awards in respect of personal injuries to gainfully occupied persons under fifteen years of age.—No payment under this Scheme shall, save as provided in clauses 11 and 18, be made in respect of any personal injury sustained by a gainfully occupied person who is under the age of fifteen years.

30. Applications for awards.—(1) Except where the Claims Officer in any special case otherwise directs, an award under this Scheme shall not be made unless an application for such award is made in the manner prescribed by the regulations made under this Scheme and within the following periods, namely:—

(a) where the claim is for a temporary allowance to a person incapacitated for work, a period of three months from the date of the qualifying injury, or if the incapacity first supervened after that period, a period of three months from the inception of the incapacity;

(b) where the claim is for a disability pension, a period of three months from the date of the qualifying injury, or if the injury necessitated immediate treatment in hospital, a period of three months from the date of discharge from hospital;

(c) where the claim is for a family pension or child's allowance, a period of three months from the date of the death of the person whose death gave rise to the claim.

(2) The Claims Officer may refuse to entertain any application for any allowance or pension under this Scheme in respect of a qualifying injury sustained by a person who has, without sufficient cause, failed to present himself for treatment at a hospital, dispensary or first-aid post.

31. Limitations on amount of awards.—(1) The amount awarded to a person as a temporary allowance, when incapacitated, or as disability pension, when disabled, shall be subject to the following modifications, namely:—

- (a) while such person is under the age of 18 years, the amount which would otherwise be payable shall be reduced by 25 per cent.;
- (b) while such person is under treatment in a hospital, the amount which would otherwise be payable shall be reduced by 20 per cent.

(2) The amount awarded as family pension or children's pensions or both in respect of a person dying as the result of a qualifying injury shall not exceed the amount which might have been awarded to that person had he qualified for a disability pension assessed on a disablement of 100 per cent.

32. Payment under this Scheme not to be drawn in addition to other payment from public funds.—Where the person entitled to a temporary allowance, disability pension, family pension or child's allowance in respect of a qualifying injury is in receipt of a pension or allowance from public funds paid to him by reason of his having sustained that qualifying injury or, as the case may be, by reason of the death of another person as the result of that qualifying injury, he shall be allowed to draw only the amount, if any, by which the pension or allowance to which he is entitled under this Scheme exceeds the pension or allowance referred to, received by him from public funds.

33. Two payments under this Scheme not to be drawn by same person.—No person in receipt of an allowance or pension under this Scheme shall be allowed to draw allowance or pension of a different kind under this Scheme until the allowance or pension previously drawn by him is surrendered.

34. Advance payments by employers and recovery thereof from awards.—(1) A person sustaining a personal injury or a personal service injury or in the event of his death, a person, if any to whom a family pension would be payable under this Scheme may accept from the employer of the injured person an advance payment not exceeding fifty rupees upon the condition that the employer shall be entitled to recover the sum in the manner hereinafter provided from the award or awards, if any, made under this scheme in respect of the injury.

(2) Upon acceptance of an advance payment in accordance with sub-clause (1), the recipient shall give to the employer a receipt therefor, in duplicate in the form prescribed in the Personal Injuries (Emergency) Regulations, 1962; and the employer shall thereupon forward one copy of the receipt to the Claims Officer having jurisdiction in the area where the injury was sustained.

(3) When making an award under this scheme for an injury in respect of which the employer of the injured person has forwarded a receipt in the said form for advance payment made by him the Claims Officer shall give upon any award which he may make in respect of the said injury a direction requiring the repayment of the advance payment to the employer from the amount of the award—

- (a) where the award is for a lump sum in pursuance of sub-clause (2) of clause 14, in a lump sum, or

- (b) in all other cases in instalments at the time of making payments under the award, at such rate as the Claims Officer may think fit, not exceeding half of the quarterly, monthly or half monthly payment under the award, as the case may be.

(4) Where by reason of the subsequent death of the injured person or for any other cause, the Claims Officer has occasion to modify his award or make a fresh award in respect of the injury, he shall make a similar direction therein in respect of such amount of the advance payment as remains to be repaid.

(5) Nothing in excess of the amount, if any, awarded under this scheme in respect of the injury shall be recoverable under this clause.

35. Awards when not to be made.—(1) No award under this scheme shall be made in respect of an injury sustained anywhere outside India.

(2) The Claims Officer may withhold or cancel the award of any payment under this scheme if he is satisfied that the person to whom the award might be or has been made, is or has become ordinarily resident outside India.

36. Effect of contributory negligence.—Where the qualifying injury, or where the incapacity for work, disablement or death resulting from a qualifying injury is

shown to the satisfaction of the Claims Officer to be mainly attributable to the negligence or misconduct of the person sustaining the injury, the Claims Officer may withhold or cancel any award which might be or has been made under this Scheme in respect of that injury or may reduce the amount of the award.

37. Effect of desertion of post by member of civil defence organisation.—When the person sustaining a qualifying injury is a member of a civil defence organisation and it is shown to the satisfaction of the Claims Officer that such person, when required by Government order to be present in a certain locality or at a certain post, failed to be present or being present, failed to remain in that locality or at that post, as the case may be, the Claims Officer may withhold or cancel any award which might be or has been made under this Scheme in respect of that injury.

38. Effect of refusal to undergo medical treatment or operation.—Where a person who has sustained a qualifying injury refuses to undergo medical treatment, or an operation calculated to restore his health or to cure or reduce a disablement caused by the qualifying injury, and a competent medical authority certifies that such refusal is in the circumstances unreasonable, then:—

- (a) if the person dies, and a competent medical authority certifies that the death was due to the refusal to undergo medical treatment or an operation, no family pension or child's allowance shall be awarded;
- (b) if a competent medical authority certifies that medical treatment or an operation will cure the disablement caused by the qualifying injury, no disability pension shall be awarded; and
- (c) if a competent medical authority certifies that medical treatment or an operation will reduce the disablement to a lower percentage, a disability pension appropriate to that lower percentage only shall be awarded.

39. Obligation to submit to medical examination.—(1) Any person in receipt of a temporary allowance or disability pension shall, if required by the Claims Officer by notice in writing so to do, submit himself for medical examination by the competent medical authority:

Provided that a person shall not be required so to present himself—

- (a) if he is in receipt of a temporary allowance, at intervals of less than two months, or
- (b) if he is in receipt of a disability pension which has not been awarded for life, at intervals of less than six months, or
- (c) if he is in receipt of a disability pension which has been awarded for life, at intervals of less than two years.

(2) Where any person refuses or, without reasonable cause, fails to submit himself for medical examination when required so to do under sub-clause (1), the Claims Officer may cancel with effect from the date of such refusal or failure, the award of allowance or pension made to that person.

(3) Where the award has been cancelled under sub-clause (2), the Claims Officer may refuse to entertain any subsequent application for an allowance or pension under the scheme in respect of the injury for which the award which has been cancelled was made.

40. Where payee is incapable of managing his own affairs.—If the person to whom a pension or allowance under this scheme has been awarded has not attained the age of eighteen years, or if he is, in the opinion of the Claims Officer, mentally infirm so as to be incapable of managing his own affairs, or if in any other case the Claims Officer considers it to be in the interest of that person, the Claims Officer, may either of his own motion or on application made to him, pay the pension or allowance to any other person whom the Claims Officer thinks best fitted to provide for the welfare of the person to whom the award has been made, or may apply the amount in any other manner for his benefit.

41. Cancellation of award on conviction for an offence.—Where a person to whom a pension or allowance under this scheme might be or has been awarded is convicted by a Court of an offence and sentenced to a term of imprisonment or detention in a Borstal school, the Claims Officer may withhold or cancel the award.

42. **Claims Officer's power to review and alter awards.**—The Claims Officer may, at any time, review any award made under this scheme and if it appears to him that by reason of a mistake of fact or a change in the condition or circumstances of the person to whom the award was made or for any other reason whatsoever it is expedient so to do, he may increase or reduce the rate of any pension or allowance awarded or cancel the award or make a fresh award:

Provided that no pension or allowance shall be increased beyond the limits specified in, or for the purposes of, this scheme.

43. **Decisions under this Scheme.**—All matters falling to be decided under this scheme in connection with the award of payments under the scheme shall, where other specific provision is not made in this Scheme, be decided by the Claims Officer; but in all matters relating to the extent or effect of injuries, the existence or non-existence of incapacity for work, and degrees of disablement, the Claims Officer shall decide in accordance with the opinion of, or a certificate given by a competent medical authority.

44. **Reviewing authority.**—(1) An authority appointed in this behalf by the Central or State Government may if it thinks fit and subject to sub-clause (2) review any award made or order passed under this scheme by the Claims Officer.

(2) The provisions of clauses 42 and 43 shall apply *mutatis mutandis* to reviews under sub-clause (1).

45. **Power of Central Government to vary rates.**—The Central Government may at any time by notification in the official Gazette alter the rate of payments which may be awarded under this Scheme.

46. **Exceptional cases of hardship.**—Exceptional cases of hardship not covered by the provisions of this scheme may be submitted by the State Government or Claims Officer to the Central Government which may make such orders as it thinks fit.

47. **Payment for medical and surgical treatment.**—The Central Government or any officer authorised by the Central Government may, in accordance with any regulations made in this behalf, make payments for medical and surgical treatment provided for persons who have sustained qualifying injuries.

48. **Power of Central Government to make regulations.**—The Central Government may make regulations for giving effect to the purposes of this Scheme.

SCHEDULE I

(See Clause 3)

PART I

- (1) Auxiliary Fire Service.
- (2) Camp-cum-wayside halt Organisation.
- (3) Civil Defence Warden Service.
- (4) Control and Report Service.
- (5) Decontamination Service.
- (6) Depot Service.
- (7) Evacuation Organisation.
- (8) Fire Prevention Service.
- (9) First aid, Casualty and Ambulance Service.
- (10) Gas identification Service.
- (11) Instructor Service.
- (12) Messenger Service.
- (13) Mortuary Service.
- (14) Repairs and Demolition Service.
- (15) Rescue Service.
- (16) Salvage Service.
- (17) Supply Service.
- (18) Transport Service.

- (19) Wayside halt Organisation.
 (20) Welfare Service.
 (21) Such other Civil Defence Organisation as may be notified for this purpose by the Central or State Government.

PART II

1 Private Organisations to carry out any of the following services:—

- (i) Auxiliary Nursing Service (Civil Defence Branch).
 (ii) Civil Defence Warden Service.
 (iii) Control and Report Service.
 (iv) Decontamination Service.
 (v) First Aid, Casualty and Ambulance Service (including drivers).
 (vi) Fire Prevention or Watchers Service.
 (vii) Fire Service.
 (viii) Instructors Service.
 (ix) Keymen Service.
 (x) Messenger Service.
 (xi) Public Utility Emergency Repairs Service.
 (xii) Raid Spotter Service.
 (xiii) Rescue Service.
 (xiv) Any other Services designated in this behalf by order of the Central or State Government.
- 2 Civil Pioneer Force.
 3. Civil Guards and Defence Volunteers.

SCHEDULE II

(See clause 13)

For the purpose of the assessment of the rate of disability pension, disabilities shall be expressed in percentages as follows:—

Description of Injury	Percentage of disability
<i>Upper Limb</i>	
Loss of both hands or of all fingers and thumbs	100
Amputation Right arm through shoulder	90
Amputation Left arm through shoulder	90
Amputation below shoulder stump exceeding 6 inches from tip of acromion (Right)	80
Amputation below shoulder stump not exceeding 6 inches (Right)	90
Amputation below shoulder stump not exceeding 6 inches (Left)	80
Amputation below shoulder from tip of acromion stump exceeding 6 inches (Left)	70
Amputation through elbow or below elbow with stump not exceeding 5 inches (Right)	80
Amputation through elbow or below elbow with stump not exceeding 5 inches (Left)	70
Amputation below elbow stump exceeding 5 inches (Right)	70
Amputation below elbow stump exceeding 5 inches (Left)	50
Loss of thumb (Right)	50
Loss of thumb (Left)	40
Loss of 4 fingers (Right)	50
Loss of 4 fingers (Left)	40
Loss of 2 fingers on either hand	20

Description of Injury	Percentage of disability
<i>Lower Limb</i>	
Loss of 2 or more limbs	100
Amputation of both feet	100
Amputation of one leg at hip or below hip with stump not exceeding 5 inches	90
Lisfranc's Operation both feet	80
Amputation below hip with stump exceeding 5 inches	80
Amputation through both feet proximal to the metatarso-phalangeal joint	80
Loss of all toes of both feet through the metatarso-phalangeal joint	40
Loss of all toes of both feet proximal to the proximal inter-phalangeal joints	30
Loss of all toes of both feet distal to the proximal inter-phalangeal joint	20
Amputation of leg below middle thigh through knee or below knee with stump not exceeding 4 inches	70
Amputation of leg below knee with stump exceeding 4 inches	60
Lisfranc's amputation of one foot	40
Amputation through one foot proximal to the metatarso-phalangeal joint	30
Loss of all toes of one foot proximal to the proximal inter-phalangeal joint including amputations through the metatarso-phalangeal joint	20

Other specific injury

Loss of hand and foot	100
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Other disabilities

Very severe facial disfigurement	100
Total loss of speech	70
Limited restriction of movement of joint through injury without penetration, or limited function of limb through fracture, or compound fracture of thumb or 2 or more fingers of either hand with impaired function	20

Ankyloses in optimum position i.e., the position of greatest usefulness

Arm	Right	Left
Shoulder	40%	30%
Elbow	40%	30%
Wrist	30%	20%
<i>Leg</i>		
Hip	60%	
Knee	40%	
Ankle	30%	

Defective vision

Loss of sight	100%
Loss of one eye without complications, the other eye being normal	40%
Loss of vision of one with complications or disfigurement, the other eye being normal	40%
Loss of vision of one eye without complications or disfigurement, the other eye being normal	30%

Other degree of defective vision

When best obtainable acuity is in			Assessment	When one eye removed—best obtainable acuity in remaining eye, with or without glasses is			Assessment
One eye		The other	Percent				Percent
1.	6/6	6/24	15	1.	6/6	}	40
	or	6/36	20	2.	6/9		
2.	6/9	6/60		3.	6/12		
	or	3/60	30				
3.	6/12	Nil		4.	6/18		50
4.	6/18	6/18		5.	6/24		70
5.	6/18	6/24		6.	6/36		80
6.	6/18	6/36	40				
7.	6/18	6/60		7.	6/60	}	90
8.	6/18	3/60		8.	3/60		
9.	6/18	Nil	50				
10.	6/24	6/24	30	9.	Nil		100
11.	6/24	6/36	40				
12.	6/24	6/60	50				
13.	6/24	3/60	70				
14.	6/24	Nil					
15.	6/36	6/36	50				
16.	6/36	6/60	60				
17.	6/36	3/60	80				
18.	6/36	Nil					
19.	6/60	6/60	80				
20.	6/60	3/60	90				
21.	6/60	Nil	80				
22.	3/60	3/60	90				
23.	3/60	Nil	100				
24.	Nil	Nil					

Defective hearing

Assessment should be based on the Grade attained using both ears together; the percentage assessment appropriate to the Grade thus attained is given in the last column.

Grade	Date of hearing attained	Assessment of both ears used together
1.	Total deafness	80%
2.	Shout not beyond 3 feet	70%
3.	Conversational voice not over 1 foot	60%
4.	Conversational voice not over 3 feet	40%
5.	Conversational voice not over 6 feet	20%
6.	Conversational voice not over 9 feet	
	(a) one ear totally deaf	20%
	(b) otherwise	Less than 20%

A case in which the right ear attained grade 4, the left ear grade 2 and both ears together grade 3 should, therefore, be recorded thus:

R.4 L2, R. plus L3 Assessment 60 per cent.

The assessment given above take into account minor ailments such as headache, vertigo tinnitus, sleeplessness etc. which generally accompany deafness.

S.O. 41.—In exercise of the powers conferred by clause 48 of the Personal Injuries (Emergency Provisions) Scheme, 1962 the Central Government hereby makes the following Regulations, namely—

PERSONAL INJURIES (EMERGENCY) REGULATIONS

1. Title.—(a) These Regulations may be called the "Personal Injuries (Emergency) Regulations, 1962".

(b) They extend to the whole of India.

2. Interpretation.—In these Regulations the "Scheme" means the Personal Injuries (Emergency Provisions) Scheme, 1962. "Form" means a Form appended to these Regulations and other expressions have the same meaning as in the Act or in the Scheme.

3. Casualty Reports.—(a) Every leader of a first-aid party shall attach to each casualty a tic-on table in Form A-1.

(b) Every officer in charge of a first-aid post shall maintain a record of cases coming to his post in Form A-2.

(c) Every person in charge of a hospital or dispensary shall maintain a record of personal injuries or personal service injuries treated and documents in Forms B-1, B-2, B-3 and B-4. He shall also maintain a list of patients under treatment in Form B-5.

(d) Every officer-in-charge of a first-aid post or person in charge of a hospital or dispensary shall, as soon as possible, after the admission of a person sustaining a personal injury or a personal service injury, send a signed report in the appropriate Form to the Claims Officer.

(e) It shall be the duty of the police to ascertain the name and other particulars of all persons who are killed or who die before admission to hospital and report the circumstances to the Claims Officer, and every police officer shall make such further reports as the Claims Officer may from time to time call upon him to do.

4. Medical Authorities.—(a) The State Government may constitute Medical Authorities, for such areas and for such purposes of the Scheme and these Regulations as it may deem necessary, and consisting of such number of persons as it may think fit. Members of such Medical Authorities shall be registered medical practitioners or Medical Officers of Government, and if there is more than one member in any Authority, one of them shall be appointed by the State Government to be the President.

(b) The Claims Officer may refer any medical question to the Medical Authority for its opinion.

(c) For the purposes of certification of incapacity for work the Claims Officers shall ordinarily obtain a certificate from a medical officer not lower in rank than an Assistant Surgeon or such other medical practitioner as may be specified by the State Government.

(d) The Claims Officer shall ordinarily refer all cases relating to the grant of pensions to the Medical Authority.

5. Applications for temporary allowances.—An application for a temporary allowance shall be made in Form C to the Claims Officer by the person who has sustained the qualifying injury, through the person in charge of the hospital or dispensary where he received or is receiving treatment or if he did not receive treatment in any hospital or dispensary, through the officer in charge of First Aid Post at which he received attention or the officer in charge of the Police Station or First Aid Post to which the facts of his injury were reported.

6. Applications for disability pensions.—(a) An application for a disability pension shall be made in Form D to the Claims Officer by the person who has sustained the qualifying injury, through the person in charge of the hospital or dispensary where he last received or is receiving treatment, or if he has not been treated in any hospital or dispensary, through the Medical Officer of Government or the registered medical practitioner who last treated him for the injury, and shall be countersigned by such person, officer or practitioner.

(b) No application for a disability pension shall be entertained unless it is supported by a certificate of disability in Form E granted by a Medical Authority; application therefor shall be made to the Medical Authority for the area in which

the injured person resides by the injured person, or if he is incapable of making it himself, on his behalf by another person.

7. Application for family pensions and children's allowances.—An application for a family pension or for a family pension and children's allowance shall be made in Form F to the Claims Officer by the person to whom payment thereof, if sanctioned, would be made under the provisions of the Scheme.

8. General provisions for applications to Claims Officer.—Where the Claims Officer is satisfied that a person by whom an application should be made is for sufficient reason incapable of making the same, the Claims Officer may entertain an application made on such person's behalf by any other person.

9. The Claims Officer, on receiving an application for an allowance or pension under the Scheme and after considering the reports and certificates pertaining to the case and after obtaining such other evidence, if any, as he considers necessary, shall make his award in Form G-I or G-II, as the case may be. He shall briefly record separately the reasons for his award. A signed copy of the award shall be given to the person in whose favour the award is made or to his authorised agent; a true copy of the award shall be sent to the head post office at, or in the jurisdiction of which payment is desired by the recipient of the award together with attested specimens of the thumb and finger impressions of the payee and his signature, if literate; and another true copy of the award shall be sent to the audit officer specified for this purpose by the Posts and Telegraphs Department.

10. Power to call for evidence, etc.—The Claims Officer or the authority appointed under clause 44 of the Scheme shall have the power to examine witnesses and call for such evidence as he considers necessary in the same manner as a civil court under the provisions of the Code of Civil Procedure, 1908 (Act 5 of 1908) and shall have, in particular, the powers conferred by section 32 of that Code.

11. Payment of allowances and pensions.—(a) Allowances and pensions under the Scheme shall be payable at all head and sub-post offices and such branch offices as may be authorised for this purpose by the various Heads of Circles or in the case of the Nagaland by the Deputy Commissioner or the Sub-Divisional Officer.

(b) Allowances and pensions shall be drawn within one month of the date when they are due. The Postmaster concerned or in the case of the Nagaland, the Deputy Commissioner or the Sub-Divisional Officer may, however, at his discretion make payment of full arrears within three months of the due date in the case of temporary allowances and when the Claims Officer has condoned a delay under clause 10 of the Scheme within three months of the date of the orders condoning the delay. In the case of other awards, similarly, he may make payment of full arrears within one year of the due date or of the date of the order condoning any delay, as the case may be.

(c) All such payments shall from time to time be endorsed on the award by the Postmaster or in the case of the Nagaland by the Deputy Commissioner or Sub-Divisional Officer.

12. Repayment of advance payments made by employers.—(a) The receipt for an advance payment accepted in accordance with sub-clause (1) of clause 34 of the Scheme shall be in Form I.

(b) Repayment of an advance payment or of instalments thereof in pursuance of a direction in an award shall be made to the employer concerned by money order at the employer's cost by the post office at which the award is payable at the time of making the payment under the award from which the repayment of the advance payment or instalment thereof is to be recovered.

13. Transfer of place of payment.—On an application made to him by or on behalf of the holder of an award of any pension or allowance, the Claims Officer may, for sufficient reason, transfer the place of payment and shall endorse the award accordingly. He shall also inform the post offices and audit offices concerned of the transfer so effected.

14. Proof of continued eligibility.—(a) With every award when presented for payment, there shall be produced a certificate of life pertaining to the beneficiary or beneficiaries under the award, signed by a Gazetted Officer (in service or retired) of Government, a Magistrate or a Police Officer not below the rank of a Sub-Inspector or any other person, authorised by general or special order, by the State Government. Where the claimant is under-going treatment as an in-patient at a

hospital or dispensary, the certificate shall be signed by the person in charge thereof:

Provided that where a beneficiary is present at the time of payment of an allowance or pension under the Scheme, no life certificate in respect of him shall be required but his identity shall be proved to the satisfaction of the Postmaster.

(b) On every occasion when the award of a family pension or of a family pension and children's allowance is presented for payment, the person to whom the same is payable shall give a certificate in Form H.

(c) On every occasion when the award of a temporary allowance or a permanent pension is presented for payment, the persons to whom it is payable shall give a certificate in Form J.

15. Reports of ineligibility.—(a) If any person to whom any pension or allowance is payable ceases under any of the provisions of the Scheme to be eligible to receive the same, or if any circumstances arise since the making of the award or last modification thereof to require under any of the said provisions the cancellation or modification of the award, a report shall forthwith be made to the Claims Officer by the person to whom the pension or allowance has hitherto been payable, and pending the orders of the Claims Officer on such report, the award shall not be presented for any further payment thereon.

(b) On receipt of any such report, the Claims Officer shall, after making such enquiries, if any, as he may deem necessary, cancel or modify the award in accordance with the provisions of the Scheme and shall inform the post office of payment accordingly.

FORM A-1

(See Regulation 3)

CASUALTY LABEL

Obverse

Date	Casualty Book No.
Name	
Father's or Husband's name	
Injury	TMHGX
Treatment	T Tourniquet
Morphia	M Morphia
Dose and Time	H Haemorrhage
	G Gas and contamination
Instructions :	X Immediate attention
	<i>Officer-in-Charge,</i>

Reverse

(Red and Green Labels)

Red: Direct to HOSPITAL.

Green: To First Aid Post

*Cross out where applicable.

If C.D.V. on duty
 off duty

(State source of information)

Reverse.

(White labels)

White: Walking Case.

This card should be given to patients with minor injuries, sent home after treatment, with instructions, where necessary to present it at the nearest hospital for further treatment (on the same or the next day).

The Casualty Book number should be entered on the card.

FORM A-2

(See Regulation 3)

This Copy to be preserved at F.A.P.

CASUALTY BOOK

F.A. Post	No.
Town and District	
Date and time of arrival	
Name	Age Sex
Father's or husband's name	
Religion	
Occupation	If C.D.V. on duty/ off duty
Address	
By whom brought	
Nature and cause of injury	(Note if gassed)
Treatment	
A.T. Serum	
Morphia, dose and time.	
Disposal	

Medical-Officer-in-Charge

When an injured person is sent home after treatment this form should be completed before he leaves the F.A. post and he should be given a casualty label on which should be entered the casualty book number.

This copy to be sent to the Local C.D. Headquarters which will forward it to the the Personal Injuries Claims Officer.

CASUALTY BOOK

F.A. Post	No.
Town and District	
Date and Time of arrival	
Name	Age Sex
Father's or husband's name	
Religion	
Occupation	If C.D.V. on duty/ off duty
Address	
By whom brought	
Nature and cause of injury	(Note if gassed)
Disposal	

Medical- Officer -in-Charge

This copy should be completed and forwarded to the Local C.D. Headquarters as soon as possible.

FORM B-1

(See Regulation 3)

This copy to be retained in Hospital

PERSONAL INJURY CASUALTY
In-Patient Book

Hospital	No.
Town and District	
Date of admission	
Name	Age Sex
Father's or husband's name	
Religion	
Address	
Occupation	(Not if C.D.V.)
Where first treated (with date)	
F.A. Post at	
By whom brought	

This copy to be sent to Personal Injuries Claims Officer through local C.D. Headquarters.

PERSONAL INJUSRY CASUALTY
In-Patient Book

Hospital	No.
Town and District	
Date of admission.	
Name	Age Sex
Father's or husband's name	
Religion	
Address	
Occupation	(Note if C.D.V.)
Where first treated (with date)	
F.A. Post at	
By whom brought	

Date of injury	Date of injury
Name and probable cause of injury (Note if gassed)	Name and probable cause of injury (Note if gassed)
Name and Address of next of kin	Name and address of next of kin
Date of <u>discharge</u>	Date of <u>discharge</u>
transfer to out-patient Department	transfer to out-patient Department
<i>Medical Officer</i>	<i>Medical Officer</i>

FORM B-2

(See Regulation 3)

This copy to be retained in Hospital	This copy to be sent to the Claims Officer through local C.D. Headquarters	This copy to be given to the Patient
--------------------------------------	--	--------------------------------------

PERSONAL INJURY CASUALTY	PERSONAL INJURY CASUALTY	PERSONAL INJURY CASUALTY
Out-patient Book	Out-patient Book	Out-patient Book

Hospital/Dispensary	No.	Hospital/Dispensary	No.	Hospital/Dispensary	No.
Town and District		Town and District		Town and District	
Name	Age	Name	Age	Name	Age
Father's or husband's name		Father's or husband's name		Father's or husband's name	
Religion		Religion		Religion	
Address		Address		Address	
Occupation (note if C.D.V.)		Occupation (note if C.D.V.)		Occupation (note if C.D.V.)	
Where first treated (with date)		Where first treated (with date)		Where first treated (with date)	
F.A. Post		F.A. Post		F.A. Post	
Casualty Book No.		Casualty Book No.		Casualty Book No.	
Whether ex-In-patient		Whether ex-In-patient		Whether ex-In-patient	
Date of Injury		Date of Injury		Date of Injury	
Probable cause of injury		Probable cause of injury		Probable cause of injury	
Date of 1st treatment in O.P.D.		Date of 1st treatment in O.P.D.		Date of 1st treatment in O.P.D.	

Whether incapacitated for work Whether incapacitated for work Whether incapacitated for work

Medical Officer

Date

Medical Officer

Date
(Over)

Medical Officer

Date

Keep this carefully and take it with you when you go to the Hospital

To be kept in the Hospital and filled up on each occasion when the patient is treated.

When discharged write "Discharged" and the Date

Dates for further treatment and Discharge

Particulars of any refusal to undergo treatment should be noted.

Date	Whether incapacitated for work	Signature of M.O.	Date of further treatment and Discharge		Signature of M.O.
			Date	Whether incapacitate for work	

FORM B-3
(See Regulation 3)
PERSONAL INJURY CASUALTY

Discharge Certificate

Name (Capitals) _____ Age _____
Father's or husband's name _____
Address _____
was under In Out-patient treatment from to
at _____ Hospital/Dispensary
Town
District
Casualty Book No.
Out-Patient Record No.
In-Patient Record No.
Suffering from
the result of personal injury on
at
and was discharged on
Date _____

Medical Officer,
Hospital.

Reverse

This form should be prepared in triplicate :

(1) for the patient, (2) for the Personal Injuries, Claims Officer, (3) for the Hospital Record, or to be placed in large envelope.

(Signature or Thumb impression of the patient on this to act as a receipt)

- Whether patient refused to undergo any medical treatment YES/NO
- Whether still incapacitated for work. YES/NO
- Particulars of disability due to personal injury still continuing, if any
- Whether disability is capable of improvement YES/NO/DOUBTFUL

Medical Officer.

FORM B-4

PERSONAL INJURY CASUALTY

(See Regulation 3)

Cover for Medical History Documents

Full Name (in Capitals)	Father's or Husband's name
Religion	
Age	
Address	Occupation (Note if C D V)
Date and place of injury	
Name and address of next-of-kin	
In-patient Record No.	
Name of Hospital, Town and District	Date of Admission Discharge or transfer
	Admission Record No

This envelope will be prepared by the hospital to which a patient is first admitted and all medical documents relating to the case will be placed in this envelope, which with its contents should be transferred with the patient on transfer to another hospital and on final discharge or death it should be transmitted under cover to the Claims Officer.

FORM B-5

(See Regulation 3)

Statement of In/Out-Patients with personal injuries under treatment on
the 1st/15th of 19

S. No	Name	Father's or husband's name	Age & sex M F.	Religion	Whether out-patient (O P) or in-patient (I P)	No in I P. Book	No. in O.P. Book and date of last treatment	Whether incapacitated for work on date of last treatment	Remarks
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- NOTES — 1 If an out-patient fails to attend for a period of 14 days the fact should be noted in the "Remarks" column.
- 2 If a patient fails to attend for one month the fact should be noted and his name should not be included in later lists

Medical Officer,
Dispensary/Hospital

FORM C

(Sec Regulation 5)

Application for Temporary Allowance.

Claimant's full name (in Capitals)

Name of Father (in the case of married woman, of husband)

Age Date of Birth

Religion Profession

Residence Nationality

What rate of allowance is claimed and justification for the claim

Income before injury and source of the Income

Income after injury and source of the Income

Place where injury sustained

Date of injury

Cause of injury in details

Details of injury

Whether attended to by C.D. volunteer, civic guard, police or other organisation, if so details.

If taken to dispensary or hospital, which and when

If discharged from dispensary or hospital, when

Did the injured person refuse medical treatment at a hospital or dispensary and if so, why

If attended to at residence by a medical practitioner details of place where treated and name of medical practitioner

Period of incapacity of work

If temporary allowance and/or pension is being or has been drawn by the injured person, details thereof

If the claimant draws or has drawn and special disability pension or allowance from public funds, details thereof.

I certify that the information furnished above is true to the best of my knowledge and belief.

I certify that I am not in receipt of any pension or allowance, under the Personal Injuries (Emergency Provisions) Scheme, 1962 (other than that referred to above).

I desire to draw the allowance, if sanctioned at Post Office.

(Signature of claimant)

Applicant's name

Father or husband's name

Religion

In-Patient Book No.

Out-Patient Book No.

Date of admission as in-patient

Date of first treatment as out-patient

If discharged, date of discharge

Period during which according to the hospital records the applicant was incapacitated for work (dates) From to

Whether at present incapacitated for work, and if so, probable period during which incapacity will continue

Did patient refuse any medical treatment? If so, give particulars

Date Medical Officer,
Hospital/Dispensary.

FORM D
(See Regulation 6)
Application for Disability Pension.

Claimant's full name (in capitals)

Name of Father (in case of married woman, of husband)

Age Date of birth

Religion Profession

Residence Nationality

What rate of pension is claimed and justification for the claim

Income before injury and source of income

Income after injury and source of income

Place where injury sustained

Date of injury

Cause of injury in detail

Details of injury

Whether attended to by C.D. volunteer, civic guard, police or other organisation, if so details

If taken to dispensary or hospital, which and when

If discharged from dispensary or hospital when

Did the injured person refuse medical treatment at a hospital or dispensary and if so why?

If attended to at residence by a medical practitioner, details of place where treated and name of medical practitioner

If any temporary allowance and/or pension is being or has been drawn by the injured person, details thereof

If the claimant draws or has drawn any special disability pension or allowance from the public funds, details thereof

I desire to draw the pension, if sanctioned at (Post Office)

I certify that the information furnished above is true to the best of my knowledge and belief

I certify that I am not in receipt of any pension or allowance under the Personal Injuries (Emergency Provisions) Scheme, 1962 (other than that referred to above).

(Signature of claimant)

FORM E
[See Regulation 6(b)]
Certificate of Disability

Medical Authority

Name of injured person (in capitals)

Name of father (in case of married woman, of her husband)

Age Residence

Religion Profession

Nationality

Date of examination by the authority

Particulars of disability and probable cause.

Degree of disability in terms of clause 13 of the Personal Injuries (Emergency Provisions) Scheme, 1962.

Is the disability capable of improvement?

If not, estimate probable further duration of disability and state if the person should be put up for examination again, and when?

Signature of Members of the
Author

FORM F

(See Regulation 7)

Application for Family Pension and Children's Allowance

Applicant's full name (in capitals)

Name of Father (in the case of married woman, of husband)

Age..... Date of birth

Religion..... Profession

Residence..... Nationality

Relationship with deceased.....

Income of applicant before death of deceased and source of such income.....

Income of applicant after death of deceased and source of such income

Full name of deceased (in capitals)

Place of death..... Cause of death.....

Was deceased attended to by C.D. Volunteer, civic guard, police or other organisation, if so, details.....

If deceased received any medical treatment, details thereof including place where received

If deceased died in any hospital or dispensary state details.....

If not give any other proof of death, e.g. affidavits, or any certificates by a gazetted officer/Magistrate or Sub-Inspector of Police

Did deceased draw any allowance under the Personal Injuries (Emergency Provisions) Scheme, 1962, prior to death, if so details as to award, rate and amount drawn prior to death.....

Is any special pension or allowance awarded from public funds in respect of the death of the deceased.....

If deceased has any of the following relatives living at the time of his death give details* in respect of each : widow, or widows, actual and legitimate son(s), actual and legitimate daughter(s), father, mother. State also if any has since died, or whether any female relative has since died, or whether any female relative has since married or remarried.....

Date of birth..... Age.....

Residence..... If staying elsewhere } In the case of all eligible relatives. }
 If staying elsewhere }
 than with the appli- } gible relatives.
 cant state details. }

In the case of daughter—whether married.....

In the case of children—Guardian if any other than applicant.....

If any of the said relatives or the applicant—

(i) draws any other pension from public funds, state details as to source and amount

(ii) holds any appointment under Government or local authority, state details and rate of emoluments.....

Amount and particulars of the claim made:—

I desire to draw the pension (and allowances), if sanctioned,.....

at..... Post Office.

I certify that the information furnished in the statement is true to the best of my knowledge and belief.

I certify that I am not in receipt of any pension or allowance under the Personal Injuries (Emergency Provisions) Scheme, 1962.

(Signature of)

*If necessary, this may be done on a sheet to be attached and signed.

FORM G-I

(See Regulation 9)

(For family pension and children's allowance)

Award under the Personal Injuries (Emergency Provisions) Scheme, 1962.

Award No.	Dated the
Claims Officer for (area)	
Name of Claims Officer.	
Name of the person killed.	
Name of the father of such person (in the case of married woman, of the husband).	
Date and place of death	
Nature of injury and the circumstances in which the life was lost.	
Age.	Residence.
Religion	Profession (State the exact nature and place of employment).
Nationality	
Pension or allowance in favour of (Block capitals).	
Name of the father of such person if other than the person sustaining qualifying injury (in the case of married woman, of husband).	
Description of such person	
Age.	Residence
Religion ..	Profession.
Relationship with deceased.	
Police and/or Medical report regarding circumstances of death	
Nature of award and the rule under which it was made	
Whether in receipt of two payments of different kinds under the scheme.	
Whether in receipt of payments on this account from public funds.	
In the case of children's allowance, particulars of amount and children in respect of whom made, stating their dates of birth.	
Guardian, if any	
Amount of pension or allowance Rs. (Give details) per	
Period for which pension or allowance is sanctioned, with date of commencement.	
Payable at.	Post office on the of each
Whether the charge is debitable to Defence Service Estimates or not	
Being satisfied that the sum of Rs.	the amount
	unrepaid balance

of an advance payment made in accordance with sub-clause (1) of clause 34 of the Personal Injuries (Emergency Provisions) Scheme, 1962, by

(name and address)

in respect of whose injury this award is made, is due to the said employer, I direct that the said sum be paid to the said employer in . . . instalments from each payment under this

award of Rs. a single lump sum from the amount payable
Until and including the payment of a final instalment of Rs.

under this award of Rs. from that due on

Certified that to the best of my knowledge the above-noted particulars are correct.

Date & Signature of Claims Officer.

Forwarded to the payee through the Deputy Collector/Assistant Commissioner/Sub-Divi-

Collector/Deputy Commissioner of.

sional Officer.

District.

Court's Seal

Copy forwarded to:—

- (1) The Postmaster together with the attested specimens of the thumb and finger impressions of the payee and his signature if literate.
- (2) The Deputy Accountant General, Posts and Telegraphs.

[To be printed on reverse of Form G-I]

INSTRUCTIONS FOR THE PERSONS IN RECEIPT OF FAMILY PENSION OR CHILDREN'S ALLOWANCE

[See Regulation 15(a)]

1. If any person to whom any pension or allowance is payable ceases under any of the provisions of the Scheme to be eligible to receive the same, or if any circumstances arise since the making of the award or last modification of the award, a report shall forthwith be made to the Claims Officer by the person to whom the pension or allowance has hitherto been payable, and pending the orders of the Claims Officer on such report, the award shall not be presented for any further payment thereon.

2. Conditions subject to which a family pension or children's allowance is admissible are—

- (a) (1) A widow shall not be eligible if she remarries.
 - (2) A son shall not be eligible if he is above the age of 18 years unless he is physically or mentally unable to support himself.
 - (3) A daughter shall not be eligible, if she has a husband living, or marries/for being above the age of 18 years, is able to support herself.
 - (4) The father shall not be eligible if at the time when the qualifying injury was sustained, he is below the age of 50 years, unless he is physically or mentally unable to support himself, but he becomes eligible on attaining the age of 50 years.
 - (5) The mother shall not be eligible if at the time when the qualifying injury was sustained, the father of the deceased is still alive, but shall become eligible on his death for so long as she remains unmarried. If she is a widow at the time when the qualifying injury is sustained, she shall continue to be eligible only so long as she remains unmarried. If at the time when the qualifying injury was sustained, she was already remarried to a husband other than the father of the deceased, she shall be eligible and shall continue to be eligible if thereafter widowed for so long as she remains unmarried.
- (b) A child's allowance shall cease to be payable—
 - (1) to a male on his attaining the age of 15 years; and
 - (2) to female on her attaining the age of 16 years or on her marriage, whichever of these dates is the later:

Provided that the Claims Officer may, if satisfied that the male child to whom allowance is payable is physically or mentally unable to support himself, continue the allowance.

FORM G-II

(See Regulation 9)

(For temporary allowance and disability pension)

Award under the Personal Injuries (Emergency Provisions) Scheme, 1962.

Award No. Dated the

Claims Officer for (area)

Name of Claims Officer

Name of person receiving qualifying injury

Name of father of such person (in the case of married woman, of husband).

Date and place of the injury.

Nature of the injury and the circumstances in which the injury was sustained.

Age..... Residence.....

Religion Profession (State the exact nature and place of employment)

Nationality.

Pension or allowance in favour of (Block Capitals)

Description of such person

Medical report regarding degree of disablement.

Nature of award and the rule under which it was made

Period of treatment in hospital.

Percentage of disability assessed. %

Whether in receipt of two payments of different kinds under the Scheme

Whether in receipt of payments on this account from public funds

Amount of pension or allowance Rs.

(Give details) per

Period for which pension or allowance is sanctioned, with the date of commencement

Payable at Post Office on the of each

Whether the charge is debitable to Defence Service Estimates or not.

Being satisfied that the sum of Rs. the amount of an advance payment made

in accordance with sub-clause (1) of clause 34 of the Personal Injuries (Emergency Provisions) Scheme 1962 by name and address)

of whose injury this award is made, is due to the said employer, I direct that the sum may be paid to the said employer in instalments from each payment

a single lump sum from the amount payable

under this award of Rs. ... until and including the payment of a final instalment of Rs.

payable under this

award of Rs. from that due on

Certified that to the best of my knowledge the above-noted particulars are correct.

Date and signature of Claims Officer

Forwarded to the payee through the Deputy Collector/Assistant Commissioner/Sub-Divisional Officer
Collector/Deputy Commissioner of District.

Court's Seal

Copy forwarded to:

- (1) The Postmaster together with the attested specimens of the thumb and finger impressions of the payee and his signature, if literate.
- (2) The Deputy Accountant General, Posts and Telegraphs.

[(To be printed on reverse of Form G-II)]

Instructions for the persons in receipt of temporary allowance or disability pension

[See Regulation 15(a)]

1. If any person to whom any pension or allowance is payable ceases under any of the provisions of the Scheme to be eligible to receive the same, or if any circumstances arise since the making of the award or last modifications of the award a report shall forthwith be made to the Claims Officer by the person to whom the pension or allowance has hitherto been payable, and pending the orders of the Claims Officer on such report, the award shall not be presented for any further payment thereon.

2. Conditions subject to which temporary allowance or disability pension is admissible are—

- (i) *Temporary allowance.*—(a) Is payable only for so long as the person to whom it has been awarded is incapacitated for work by the injury in respect of which it has been awarded, and shall in no case be continued after the end of the sixth month from the date on which the injury was sustained.
- (b) shall cease to be payable to a person on the date on which a disability pension under Part III of the Scheme becomes payable to him.
- (ii) *Disability pension.*—Is payable for the period for which it has been sanctioned under clause 15 of the Scheme.

FORM H

[See Regulation 14(b)]

Certificate of continuing Eligibility

I, (name, father's or husband's name and address)
being the person to whom the family pension and children's allowance(s) sanctioned under Award No. is/are payable, hereby certify—

- (i) that I remain eligible under the provisions of the Personal Injuries (Emergency Provisions) Scheme, 1962, to receive the same,
- (ii) that no circumstances have arisen since the making (of last modification) of the said Award which under any of the said provisions would operate to require the cancellation or (further) modification of the said Award, and
- (iii) that I have not received any additional payments or pensions from public funds since the making of (the last modification of) the said Award.

Date

Signature or thumb impression

(To be countersigned, in cases where the payee is not present in person at the post office of payment, by a Gazetted Officer of Government, a Magistrate or a Police Officer not below the rank of Sub-Inspector or any other person, authorised by general or special order, by the State Government).

[(To be printed on reverse of Form H)]

Conditions of Eligibility for Family pension and children's allowance

(a) *Family pension*

- (1) A widow shall not be eligible if she remarries.
- (2) A son shall not be eligible if he is above age of 18 years unless he is physically or mentally unable to support himself.
- (3) A daughter shall not be eligible, if she has a husband living, or married, or is above the age of 18 years is able to support herself.
- (4) The father shall not be eligible if at the time when the qualifying injury is sustained, he is below the age of 50 years, unless he is physically or mentally unable to support himself, but he becomes eligible on attaining the age of 50 years.

- (5) The mother shall not be eligible if at the time when the qualifying injury is sustained the father of the deceased is still alive, but shall become eligible on his death for so long as she remains unmarried. If she is a widow at the time when the qualifying injury is sustained, she shall continue to be eligible only so long as she remains unmarried. If at the time when the qualifying injury is sustained, she was already remarried to a husband other than the father of the deceased she shall be eligible and shall continue to be eligible if thereafter widowed for so long as she remains unmarried.

(b) *Child's allowance*.—A child's allowance shall cease to be payable—

(a) to a male on his attaining the age of 15 years; and

(b) to a female on her attaining the age of 16 years or on her marriage, whichever of these dates is the later.

Provided that the Claims Officer may, if satisfied that the male child to whom allowance is payable is physically or mentally unable to support himself, continue the allowance.

FORM I

(See Regulation 12)

Received from of an advance
payment of Rs. (Rupees) under clause 34 of the Personal Injuries (Emergency
Provisions) Scheme, 1962, with reference to the injury sustained on
at by of deceased

myself

In consideration of the advance, I hereby enter into the undertaking that the advance shall be repaid under the provisions of the Personal Injuries (Emergency Provisions) Scheme and Regulations, from out of any award made (either to me or to my relatives)* in respect of the aforesaid injury sustained by Deceased

myself.

Date

Witness.

of

Signature or thumb impression of.

address

* Only when receipt is given by the injured person.

FORM J

(See Regulation 14(c))

I, (name, father's or husband's name and address) being the person to whom permanent pension temporary allowance sanctioned under Award No. is payable, hereby certify—

(i) that I remain eligible under the provisions of the Personal Injuries (Emergency Provisions) Scheme, 1962 to receive the same;

(ii) that no circumstances have arisen since the making of (last modification of) the said Award which under any of the said provisions would operate to require the cancellation or (further) modification of the said Award; and

(iii) that I have not received additional payment or pension from public funds since the making of the (last modification of) the said Award.

Date

(Signature or thumb impression)

(To be countersigned, in cases where the payee is not present in person at post office of payment, by a Gazetted Officer of Government, a Magistrate or a Police Officer not below the rank of Sub-Inspector or any other person, authorised by general or special order, by the State Government)

[To be printed on the reverse of form J]

Conditions for eligibility of temporary allowance on a disability pension

(i) *Temporary allowance*.—(a) Is payable only for so long as the person to whom it has been awarded is incapacitated for work by the injury in respect of which it has been awarded, and shall in no case be continued after the end of the sixth month from the date on which the injury was sustained.

(b) shall cease to be payable to a person on the date on which a disability pension under Part III of the Scheme becomes payable to him.

(ii) *Disability pension*.—Is payable for the period for which it has been sanctioned under clause 15 of the Scheme.

[No. 1/5/62(ii) Spl.]

VIDYA PRAKASH, Dy. Secy.

New Delhi, the 26th December, 1962.

S.O. 42.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Pure Joyramdih Colliery, Post Office Nudkhurkee, Dhanbad and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947, (14 of 1947).

REFERENCE No. 21 OF 1962

PARTIES:

Employers in relation to Pure Joyramdih Colliery.

AND

Their Workman, Shri Jiban Krishna Bhattacharjee.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L.,—*Presiding Officer.*

APPEARANCES:

For the Employers: None.

For the Workman: Shri S. K. Mukherjee, Advocate, Asansol, with Shri J. K. Bhattacharjee, the Workman.

Dhanbad, dated the 4th December, 1962.

STATE: Bihar.

INDUSTRY: Coal.

AWARD

1. The Ministry of Labour and Employment, Government of India, by its order No. 253/62-LRII, dated 16th July, 1962, referred, under Section 10(1)(d) of the Industrial Disputes Act, 1947 (14 of 1947), to this Tribunal, the following item of dispute for its adjudication:

“Whether the prevention by the management of Pure Joyramdih Colliery of Shri J. K. Bhattacharjee from attending to his normal duties from 1st August, 1961, was legal and proper; if not, to what relief is he entitled?”

2. On behalf of the workman, Shri J. K. Bhattacharjee the Secretary, Colliery Staff Association, filed his statement of demands, as required by Rule 10B(1) of the Industrial Disputes (Central) Rules, 1957, as amended by the Industrial Disputes (Central) Amendment Rules, 1961, on 3rd August, 1962; but the management has not yet even till today filed its statement of demands nor appeared.

3. A copy of the written statement of the workman was sent by the Secretary, Colliery Staff Association, to the Manager of the company under a registered cover with acknowledgement due, but it was refused on 4th August, 1962, and, the Registered Envelope with the endorsement “Refused” was filed on 21st December, 1962, on behalf of the workman, and it has been marked Ext. W9.

4. The first date of hearing of this case was fixed on 22nd October, 1962, for 21st November, 1962, and, accordingly, a registered notice informing the Manager of the Colliery about the date fixed for hearing was sent and it was received, as will appear from the acknowledgement receipt, by the Manager, on behalf of the company, on 8th November, 1962, but, in spite of it, the company did not appear on 21st November, 1962 nor filed its written statement.

5. On 21st November, 1962, I waited long, and, also asked my acting Bench Clerk, Shri R. Bandopadhyaya, to inform on the phone—Dhanbad 5853—the company's office, and, therefore, several attempts were made to contact the company on the phone but there was no response at the other end. In these circumstances I granted one more opportunity and fixed the case for hearing for today, i.e., 4th December, 1962, and directed that a copy of my order No. 5 dated 21st November, 1962 should be sent by Registered post to the Manager of the Colliery

informing the date of hearing, but that registered envelope came back with a note "Colliery closed" which, on the evidence of the workman, is not a fact. The said envelope is on the file.

6. Even today, i.e., 4th December, 1962, the company did not appear nor file its written statement. In these circumstances, the case was taken up for hearing, *ex-parte*, in the absence of the company.

7. On behalf of the workman, the workman himself was examined as a witness as WW1, and, documents, filed by his Advocate, Shri S. K. Mukherjee, were marked as Ext. W. to W9 and argument was heard.

8. The facts of the case, as mentioned in his written statement and as stated in his evidence by the workman, are these:

- (a) The aggrieved workman, Shri J.K. Bhattacharjee, is in service of this Colliery since November, 1954. It appears, from the certificates granted to him by the different Managers of this colliery—Ext. W3 of October 31, 1958; Ext. W. of January 5, 1960; Ext. W1 of May 7, 1960; and Ext. W2 of March 31, 1961, that he had a very good record of service and all these different Managers have spoken very highly of his work. It would further appear from these certificates as well as from Ext. W7, a letter of October 6, 1959 of the Labour Inspector (C), Baghmara, which corroborate the workman's evidence in Court, that he worked in the colliery in various capacities, such as, Despatching Clerk, Bonus Clerk, Provident Fund Clerk, Head Clerk, Correspondence Clerk, Typist Clerk and also as an Accountant some times, and, was said to be very well conversant with all kinds of colliery work and also with the management of the colliery affairs. He was spoken of, by the different Managers, as intelligent, laborious, honest, cool-tempered, sincere and of moral habits bearing a good moral character.
- (b) In spite of his doing so much work, he was placed in Grade III, and, therefore, the workman, being aggrieved by this sort of arbitrary gradation, filed a complaint before the Labour Inspector (C), Baghmara, who, by his letter No. LIB/1(57)/58, dated the 4/6th October, 1958, Ext. W7, directed that as per the direction given in para 265 of the Labour Appellate Tribunal's decision the workman, Shri J. K. Bhattacharjee, should be paid Rs. 63 Basic and Rs. 50 D.A. in the scale of 63-4-83-5-118-8-258, which was the salary of Grade. I.
- (c) In spite of the above direction, Ext. W7, of the Labour Inspector (C), Baghmara, the company did not implement his order and the workman was never paid Grade I salary.
- (d) The apparent result, however, of the workman's representation to the Labour Inspector (C), Baghmara, was that the management became annoyed and dissatisfied with him for ventilating his grievances and approaching the Labour Authority.
- (e) Later, as the management did not pay the workman's salaries for May and June, 1961 as also his Bonus for the Quarter Ending March 1961, the workman filed a petition on 12th July 1961 to the Labour Inspector (C), Baghmara, requesting him to see that his salaries and bonus are be paid by the management.
- (f) On the workman's above representation, the Labour Inspector (C), Baghmara, visited the colliery and found him working in the colliery on 28th May 1961, which fact, however, was not admitted by the management. The Labour Inspector, however, by his letter dated 22nd September 1961, Exhibit W5, advised the workman to take up the matter with the Conciliation Officer, Dhanbad, through its registered Union, and, further informed him that he had qualified for Bonus for the quarter ending 31st March 1961, and, therefore, necessary action for its recovery is being taken.
- (g) The workman earlier took casual leave for 7 days from 17th May 1961 and after the leave period he joined his duties and was allowed to continue his job till 31st July 1961, but, thereafter, he was not allowed to do his normal duties from 1st August 1961, although he

was not formally dismissed nor given any chargesheet nor given any notice terminating his services and no enquiry, as required by Standing Order No. 28 (Ext. W8), was held at all.

- (h) The workman says that as the company was very much annoyed with him, firstly, because of his Trade Union activities in his capacity as President of the Union, and secondly, because of his complaint before the Labour Inspector (C) regarding non-payment of wages and bonus, the management were thinking of taking drastic action against him, and, therefore, he informed the police on 18th July 1961, after he had made an application on 12th July 1961 to the Labour Inspector complaining against non-payment of his wages and bonus etc. as mentioned before, and, the Police came on 29th July 1961.
- (i) Later, the Conciliation Officer (C), Dhanbad, was moved on 23rd April 1962, but no one on behalf of the management appeared before him at the conciliation meetings fixed by him on 1st May 1962. But, in reply to a letter from the Conciliation Officer, the Manager of the company wrote a letter saying that the proprietor was out of station, and, therefore, further date may be fixed, but it was refused as it was considered to be useless to prolong the matter, and, therefore, a failure of conciliation report was submitted by the Conciliation Officer on 16th May 1962.
- (j) In these circumstances, thereafter the present reference was made by the Central Government on 18th July, 1962.

9. As this evidence, on behalf of the workman, is *ex parte* and unchallenged and there is nothing to show that the oral evidence of the workman and his documents are not reliable or unworthy of acceptance, I find no reason to reject them. On the other hand, I find that all the documents are reliable and they fully support the case of the workman.

10. On the evidence, there seems to be no doubt that as the company was not prepared to give Grade I pay to the workman, as recommended (Ext. W7) by the Labour Inspector as back as 1958 or 1959, which was in accordance with the decision of the Labour Appellate Tribunal of India in the Collieries Appeals, dated 29th January 1957, which will be found in paragraph 265, at page 102, of its decision, the workman was forced for no fault on his part to take protection under law and to make a complaint before the Labour Inspector on 12th July 1961, and, before the Police on 18th July 1961. In spite of the recommendation of the Labour Inspector in 1958 in view of the work and worth of the workman, the company ignored it and never gave Grade I salary to the workman, and, as the company was not in a mood to implement the direction of the Labour Inspector, it started ill treating the workman, which forced him to go to the Police and ultimately, the workman was prevented from doing his normal duties from 1st August 1961. On the evidence, therefore, it is absolutely clear that the management is guilty of victimisation and has illegally stopped the workman from attending to his normal duties with effect from 1st August 1961, and, has also violated Standing Order No. 28, which provides that no order of punishment by way of suspension or fine shall be made unless the employee concerned is informed in writing of the alleged misconduct and given an opportunity to explain the circumstances alleged against him. This has not been done and without complying with Standing Order No. 28 this workman has been stopped from working which is illegal entirely.

11. For the reasons given above, I, therefore, hold that prevention by the management of the workman, Shri J. K. Bhatnagar, from attending to his normal duties from 1st August 1961 was illegal and improper and it was not at all justified, and, therefore, the workman is entitled to be reinstated, with full back wages at the rate of Rs. 126.75 nP. per month (i.e. Rs. 63 Basic plus 50 D.A. plus Rs. 9.75 Enhanced D.A. plus Rs. 4 Increment) from 1st August 1961 till the date of his reinstatement and also Bonus and all other benefits. The workman will get, if not already paid, his quarterly Bonus from the quarter ending March, 1961, as also his salaries at the rate of Rs. 126.75 nP from 16th May to June 1961, as the workman worked during these months but was deliberately and falsely marked absent by the management to avoid payment of wages and bonus.

12. In view of the *malafide* and highly undesirable attitude of the company, not only in illegally preventing the workman from working from 1st August 1961 but also in falsely marking him absent from 16th May to June, 1961, and, further, in avoiding attending the Conciliation Officer's proceedings and also in not appearing before this Tribunal and assisting it, I further direct, although the proceeding is *ex parte*, in view of the above coercive circumstances, that the company must pay a sum of Rs. 200/- as cost of the proceeding before this Tribunal to the workman, Shri J. K. Bhattacharjee.

13. This is my Award, which I submit to the Government under Sec. 15 of the Industrial Disputes Act, 1947.

14. The management will implement this Award within one month from the date when the Award shall become enforceable under Sec. 17A of the Act.

Dhanbad, dated the
4th December, 1962.

RAJ KISHORE PRASAD,
Presiding Officer,
Central Govt. Industrial Tribunal,
Dhanbad.

[No. 2/53/62-LRII.]

S.O. 43.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act from Shri Sukhlu Singh, Pump Khalasi, Kessurgarh Colliery, Post Office Nudkharkee, District Dhanbad, Bihar.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of a complaint under Section 33A of the Industrial Disputes Act, 1947 (XIV of 47), arising out of Reference No. 60 of 1961.

COMPLAINT No. 14 of 1961

PARTIES:

Sukhlu Singh, Pump Khalasi, Kessurgarh Colliery, c/o General Secretary, Bihar Koyla Mazdoor Sabha, Dhanbad—*Complainant*.

Vs.

Manager, Kessurgarh Colliery, P.O. Nudkharkee, Dt. Dhanbad—*Opposite party*.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L., Presiding Officer.

APPEARANCES:

For the Complainant:—Shri Sukhlu Singh, complainant, in person.

For the opposite party:—Shri Arjun Agarwalla, with Shri Sita Ram Agarwalla, Chief Accounts Officer, Kessurgarh Colliery.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 14th December 1962

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act, 1947, made on 14th October 1961 by the workman, Shri Sukhlu Singh, Pump Khalasi of Kessurgarh Colliery, for setting aside his dismissal by the management with effect from 5th August 1961, as being in contravention of Proviso to Section 33(2)(b) of the Act, because the approval of this Tribunal was not obtained notwithstanding that Reference No. 60 of 1961, in respect of this very colliery, was pending before this Tribunal at that time.

2. The opposite party appeared and filed its written statement on 21st September, 1962, and, thereafter, the case was fixed for hearing on 24th October 1962.

3. On 24th October 1962 a joint petition of compromise, recording the terms of settlement between the parties, signed by Shri Sita Ram Agarwalla, Chief Accounts Officer of the colliery and by Shri Prosanta Burman, General Secretary, Bihar Koyla Mazdoor Sabha representing the workman and bearing the left thumb impression of Sukhlu Singh, the workman, himself, was filed before this Tribunal. In accordance with that compromise the workman was paid Rs. 100/- in presence of the Tribunal by the management but he refused to accept it on the ground that he had no knowledge of the terms of the compromise, and stated that he did not want to compromise and would, therefore, proceed with the complaint. In these circumstances, the compromise was rejected by this Tribunal and at the instance of the workman the case was fixed for hearing today, i.e. 14th December 1962.

4. Today, the workman Sukhlu Singh appeared in person and the management was represented by Shri Arjun Agarwalla and Shri Sita Ram Agarwalla.

5. The management raised a preliminary objection to the maintainability of the complaint on the ground that the present workman, Sukhlu Singh, cannot be considered to be a workman concerned in the dispute which was pending in Reference No. 60 of 1961, within the meaning of Section 33(2)(b) of the Act, in as much as Sukhlu Singh was a Pump Khalasi, whereas, Shiba Mahato, who was concerned in Reference No. 60 of 1961, was Surface Trammer, although both were in the same colliery.

6. The preliminary objection raised by the management was explained by the Tribunal in Hindi to the workman, Sukhlu Singh, and on being informed of it and having understood its implication, the workman expressed his desire to be paid Rs. 200/- (two hundred) by the management in full satisfaction of his claim against the management, and, further agreed that on the payment of the said sum he will vacate the quarter of the company which is occupied by him, within three weeks from today.

7. The management accepted the terms of the workman, and, thereafter, both the parties filed a fresh joint petition of compromise signed by Shri Sita Ram Agarwalla for the management and bearing the thumb impression of the workman, Sukhlu Singh, and, they jointly prayed that the case be disposed of in terms of this compromise.

8. Rs. 200/- was paid by Shri Sita Ram Agarwalla, on behalf of the management, to the workman, Sukhlu Singh, in presence of the Tribunal and Sukhlu Singh after accepting it, thereafter, put his thumb mark on the compromise petition.

9. The complaint, accordingly, is disposed of in terms of this compromise petition, as prayed for by the parties, and, it is marked Annexure A and shall form part of this Award.

10. This is the award which I make and submit to the Government under Section 15 of the Industrial Disputes Act, 1947.

Dhanbad, 14th December 1962.

RAJ KISHORE PRASAD,

Presiding Officer,

Central Govt. Industrial Tribunal, Dhanbad.

ANNEXURE "A"

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

IN THE MATTER OF APPLICATION No. 14 OF 1961 U/S 33-A

ARISING OUT OF REF. NO. 60 OF 1961

PARTIES:

Sukhlu Singh, Pump Khalasi, Kessurgarh Colliery,—Applicant.

Vs.

The Manager, Kessurgarh Colliery, O.P.

MEMORANDUM OF SETTLEMENT

May it please the Tribunal:—

We the parties above-mentioned have settled this dispute on the following terms:—

1. Shri Sukhlu Singh accepts payment of Rs. 200/- (Two hundred rupees) only in full and final settlement of all his claims including his claim for re-instatement in service.

2. Sri Sukhlu Singh acknowledges the receipt of the said amount in court paid on behalf of the employers by Sri Sita Ram Agarwalla.

3. Sri Sukhlu Singh agrees to vacate the Dhowrah of the colliery within 3 weeks occupied by him.

The parties pray that the Tribunal may be pleased to dispose of the dispute as settled on the above terms and make an award in terms thereof

No order as to cost.

DHANBAD,

14-12-62.

Workman

L.T.I. of SUKHLU SINGH,

Ex-pump Khalasi,

Kessurgarh Colliery.

Witness:

For the Employers

SITA RAM AGARWALLA,

Chief Accounts Officer,

Kessurgarh Colliery.

[No. 2/79/61-LRII.]

A. L. HANDA, Under Secy.

New Delhi, the 26th December, 1962.

S.O. 44.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948, (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment No. HI-13(1)/60, dated the 22nd January, 1960, namely:—

In the said notification, the existing item V shall be re-numbered as item VI and the following item shall be inserted as item V, namely:—

"V. The areas comprising of the revenue villages of:—

(a) Gunadol—No. 223.

(b) Bahar Bisiwabar—No. 214.

(c) Naupara—No. 217.

(d) Khannagar—No. 216.

in tehsil Cuttack Sadar in district Cuttack."

This amendment shall be deemed to take effect from the 31st January, 1960.

[No. F. 13(16)/62-HI.]

New Delhi, the 1st January 1963

S.O. 45.—In pursuance of the provisions of section 36 of the Employees' State Insurance Act, 1948 (34 of 1948), the Audited Accounts for the year 1960-61 of the Employees' State Insurance Corporation are hereby published for general information.

AUDITED ACCOUNTS OF THE EMPLOYEES' STATE INSURANCE CORPORATION FOR THE YEAR 1960-61.

AUDIT REPORT ON THE ACCOUNTS OF THE EMPLOYEES' STATE INSURANCE CORPORATION FOR THE YEAR 1960-61.

Consolidated Audit Report on the accounts of the Employees' State Insurance Corporation
New Delhi, for the year 1960-61.

AUDIT REPORT

1. General.

A review of the Annual Accounts for the year 1960-61 shows an excess of income over expenditure by about Rs. 245 lakhs. The total revenue income of Rs. 943 lakhs comprised of :

(i) Employees' Special Contribution	Rs. 374 lakhs.
(ii) Employees' Contribution.	Rs. 501 lakhs.
(iii) Interest on Investments.	Rs. 67 lakhs.
(iv) Misc. Income.	Rs. 1 lakh.

The expenditure on Rs. 698 lakhs consisted of:—

- (i) Payments to State Governments as Corporation's share of expenses on medical care. Rs. 247 lakhs.
- (ii) Cash & other benefits to insured persons and their dependents Rs. 349 lakhs.
- (iii) Administrative Expenses. Rs. 100 lakhs.

Besides, the following amounts due from/to the Corporation have not been accounted for in the accounts :

- (A) OUTSTANDING LIABILITIES : (As per Report of the Actuary of the Corporation).
 - (i) Amounts due to State Governments as Corporation's share of expenditure incurred in providing medical treatment, medical facilities etc. Rs. 48 lakhs
 - (ii) Benefits due to the insured persons. Rs. 15 lakhs.
- (B) OUTSTANDING INCOME : (As per Report of the Actuary of the Corporation).
 - (i) Employers' Special Contribution due to be recovered in respect of covered factories. Rs. 47 lakhs.
 - (ii) Employees' Contribution due in respect of covered factories. Rs. 35 lakhs.

2. "On Account" Payments to the State Governments.

The Corporation has been making 'On account' payments to the State Governments quarterly towards its share of the cost of medical benefits to insured persons on the basis of the actual expenditure incurred in the previous quarter. The payments are treated as 'provisional' subject to adjustment on receipt of the audited accounts. The payments made during the previous years but awaiting adjustment on 31st March, 1961 on account of non-receipt of the audited accounts are detailed below:—

Year	Amount
	Rs.
1956-57	1,10,000
1957-58	9,70,000
1958-59	6,90,000
1959-60	90,65,883

Out of Rs. 6.90 lakhs outstanding in respect of 1958-59 and Rs. 90.66 lakhs for 1959-60 a sum of Rs. 1.67 lakhs and Rs. 13.92 lakhs respectively is stated to have since been adjusted (May, 1962).

Sd/-

(P. V. RAGHAVA RAO)
Accountant General,
Central Revenues.

New Delhi

Dated

EMPLOYEES' STATE INSURANCE CORPORATION

Income and Expenditure Account for the Year Ended 31st March, 1964.

INCOME			EXPENDITURE		
Head of Account	Amount		Head of Account	Amount	
	Rs.	nP.		Rs.	nP.
By Contributions :—			1. Benefits to insured persons and their families.		
Employers' Share only	3,73,62,109	15	A—Medical Benefits		
Employees' Share only	5,01,07,122	76	(i) Payments to State Govts. etc. as Corporation's share of their expenses on providing medical treatment, maternity facilities, etc.		
Total Contributions		8,74,69,231		2,48,67,284	74
Other Heads of Revenue.			Total A—Medical Benefits		2,48,67,284
Interests and Dividends	67,30,937	26	B—Cash Benefits		
Compensations	—		(1) Sickness Benefits	2,48,76,289	68
Rents, Rates and Taxes	11,328	69	(2) Extended (S.B.)	8,02,946	43
Fees, Fines & Forfeiture	2,276	74	(3) Maternity Benefits	15,15,702	24
Miscellaneous	1,25,611	66	(4) Disablement Benefits	63,41,364	27
			(5) Dependants' Benefits	11,73,450	00
			Total B—Cash Benefits		3,47,09,752
			C—Other Benefits		
			(1) Provision of Artificial Limbs	24,076	03
			(2) Medical Boards	57,902	40
			(3) Fees paid for post-mortem examination of insured persons	101	00
			(4) Payments to insured persons on account of conveyance charges and/or loss of wages	20,220	63
			(5) Cost of artificial teeth provided to Insured Persons.	126	00

1	2	3	4	5
	Rs. nP.		Rs. nP.	Rs. nP.
	(6) Grant-in-aid	5,000 00		
	(7) Miscellaneous	55,418 32		
	<i>Total C—Other Benefits</i>		1,62,844 38	
	<i>Total 1—Benefits to insured persons and their families.</i>			5,97,39,881 74
	<i>2—Administration Expenses</i>			
	<i>A—Superintendence.</i>			
	(1) Corporation, Standing Committee, Regional Boards, etc.	22,117 01		
	(2) Principal Officers	1,36,123 39		
	(3) Other Officers	8,43,072 59		
	(4) Ministerial Establishment	26,43,082 07		
	(5) Class IV Servants	4,80,603 95		
	(6) Contingencies	16,28,797 51		
	<i>Total A—Superintendence</i>		57,53,796 52	
	<i>B—Field Work</i>			
	(1) Officers	1,24,158 88		
	(2) Ministerial Establishment	26,96,707 94		
	(3) Class IV Servants	4,52,374 61		
	(4) Contingencies	7,46,757 21		
	<i>Total B—Field Work</i>		40,19,998 64	
	<i>C—Other Charges</i>			
	(1) Legal Charges	63,755 53		
	(2) Insurance Courts	17,412 16		
	(3) Publicity & Advertisement	1,432 21		
	(4) Charges for maintaining Banking Accounts.	17,519 19		
	(5) Audit Fees,	26,720 00		

(6) Repair, Maintenance and Depreciation, etc.	33,971 64	
(7) Miscellaneous	14,082 43	
(8) Losses.	10 00	
<i>Total C—Other Charges</i>		1,74,903 16
Total 2—Administration Expenses		99,48,691 32
<i>Interest on Loans</i>		
Interest paid to the Employees' State Insurance Provident Fund	1,12,596 00	
LESS Interest realised on investments of Provident Fund balances	(—) 17,950 72	
<i>Total Expenditure on Revenue Account</i>		45,45 28
To excess of Income over Expenditure carried over to Balance Sheet		6,97,93,225 74
		2,45,50,167 02
TOTAL	9,43,39,386 26	TOTAL 9,43,39,386 26

NEW DELHI
Dated the 29th May, 1961

V. R. MAHADEVAN,
Chief Accounts Officer,
Employees State Insurance Corporation.

Employees' State Insurance Corporation Balance Sheet as on 31st March, 1961.

LIABILITIES		Amount	ASSETS		Amount
	Rs. nP.	Rs. nP.		Rs. nP.	Rs. nP.
<i>Employees' State Insurance Corporation Provident Fund.</i>			<i>Lands and Buildings (wholly owned by the Corporation).</i>		
As per last balance sheet . . .	28,60,587.06		(a) <i>Buildings for offices of the Corporation</i>		
Add Amount credited during the year . .	9,72,104.00		As per last balance sheet	10,94,602.89	
			Additions during the year	2,08,552.00	
	38,32,691.06				
Less Payments made during the year. . .	2,34,014.37	35,98,676.69		13,03,154.89	
<i>Depreciation Reserve Fund of buildings for the Offices of the Corporation.</i>			(b) <i>Hospitals and Dispensaries</i>		
As per last balance sheet	1,02,609.17		As per last balance sheet	5,55,041.24	
Add Provision made during the year. . .	6,615.50	1,09,224.67	Additions during the year	2,05,877.18	
(Includes Rs. 1,915.50 on account of interest received from investments during the year)					
				7,60,918.42	20,64,073.31
<i>Depreciation Reserve Fund of equipments in Hospitals and examination centres</i>			<i>Lands & Buildings (jointly owned by the Corporation and State Govts. Corporation's share).</i>		
As per last balance sheet	1,436.07		(a) <i>Hospital & Dispensaries</i>		
Add Provision made during the year . .	4,555.64	5,991.71	As per last balance sheet.	45,733.03	
			Add Additions during the year.	20,287.46	
<i>Depreciation Reserve Fund of Hospitals Buildings</i>					
As per last balance sheet . . . . .	..		(b) <i>Equipments for Hospitals etc.</i>	66,020.49	
Add Provision made during the year. . .	2,181.00	2,181.00	As per last balance sheet.	5,744.36	
<i>Depreciation Reserve Fund of Staff Cars</i>			Additions during the year.	13,270.67	
As per last balance sheet . . . . .	..			
Add Provision made during the year. . .	3,085.00	3,085.00		19,015.03	85,035.52
<i>Repairs & Maintenance Reserve Fund of building for the Offices of the Corporation.</i>			<i>Suspense (Advance for construction of Hospitals etc. made).</i>		
As per last balance sheet	1,19,085.30		As per last balance sheet	20,59,750.00	

<i>Add</i> Provision made during the year.	21,936.00		<i>Add</i> Payments made during the year.	52,25,016.52	72,84,766.52
(Includes Rs. 2,486.00 on account of interest received from investments of the balance)	1,41,021.30		<i>Staff Cars</i>		
<i>Less</i> Payments during the year.	49,856.93	91,164.37	As per last balance sheet. . . . .	..	..
<i>Permanent (Partial & Total) Disablement Benefit Reserve Fund.</i>			<i>Add</i> Payments made during the year.	40,703.55	40,703.55
As per last balance sheet	93,64,721.13		<i>Permanent Advance to the Heads of Offices of the Corporation.</i>		
<i>Add</i> Provision made during the year	40,77,241.48		As per last balance sheet	13,956.98	
(Includes Rs. 3,00,941.48 on account of interest received from investments of the balance)	1,34,41,962.61		<i>Add</i> Payments made during the year	1,236.54	
<i>Less</i> Payments made during the year	9,26,980.84	1,25,14,981.77		15,193.52	14,231.36
<i>Dependents' Benefit Reserve Fund</i>			<i>Less</i> Recoveries made during the year.	962.16	
As per last balance sheet	29,92,404.93		<i>Advance of Pay on transfer to the employees of the Corporation.</i>		
<i>Add</i> Provision made during the year.	12,85,390.74		As per last balance sheet	4,291.00	
(Includes Rs. 1,00,490.74 on account of interest received from investments of the balance)	42,77,795.67		<i>Add</i> Payments made during the year.	19,921.00	
<i>Less</i> Payments made during the year.	3,51,899.28	39,25,896.39		24,212.00	4,430.00
<i>Deposits of Securities e.g. by Contractors</i>			<i>Less</i> Recoveries made during the year.	19,776.00	
As per last balance sheet	56,081.09		<i>Advance of T.A. on transfer to the employees of the Corporation.</i>		
<i>Add</i> Deposits during the year	17,597.00		As per last balance sheet	5,646.38	
	73,678.09		<i>Add</i> Payments made during the year	23,913.25	
<i>Less</i> Deposits repaid during the year.	35,826.74	37,851.35		29,559.63	5,330.47
<i>Deductions from bills payable to Other Parties.</i>			<i>Less</i> Recoveries made during the year.	24,229.16	
As per last balance sheet	396.74		<i>Advance for purchase of conveyance to the employees of the Corporation.</i>		
<i>Add</i> Deductions made during the year	91,487.76		As per last balance sheet	43,816.78	
	91,884.50		<i>Add</i> Payments made during the year	56,811.00	
<i>Less</i> Payments made during the year.	91,229.11	655.39		1,00,627.78	65,193.48
			<i>Less</i> Loans recovered during the year.	35,434.30	
			<i>Miscellaneous advances to the employees of the Corporation (festival advances)</i>		
			As per last balance sheet	11,015.00	
			<i>Add</i> Payments made during the year.	1,13,025.50	
				1,24,040.50	17,111.00
			<i>Less</i> Recoveries made during the year	1,06,929.50	

1		2		3		4		5		6	
		Rs.	nP.	Rs.	nP.			Rs.	nP.	Rs.	nP.
<i>Unclaimed deposits in the Employees' State Insurance Corporation Provident Fund.</i>						<i>Advance payments on behalf of State Governments.</i>					
As per last balance sheet		2,478·00				As per last balance sheet		2,921·43			
Add Amount credited during the year		647·37				Add Payments made during the year		5,408·24			
		3,125·37						8,329·67			
Less Payment made during the year		1,884·00		1,241·37		Less Recoveries made during the year		3,967·30		4,362·37	
<i>Miscellaneous Deposits</i>						<i>Advance to the Reserve Bank of India for purchase of Securities.</i>					
As per last balance sheet		5,619·05				As per last balance sheet		89·59			
Add Deposits credited during the year		5,494·38		11,113·43		Add Payments made during the year		1,58,37,544·81			
								1,58,37,634·40			
<i>Income and Expenditure Account</i>						<i>Less Adjustments made during the year</i>					
Excess of Income over Expenditure as per last balance sheet		17,96,73·09	50			<i>Miscellaneous Advances</i>					
						As per last balance sheet		1,44,927·98			
Add Balance of excess of income over expenditure during the year 1959-60		2,45,56,160·92		20,42,29,240·42		Add Payments made during the year		1,36,264·48			
								3,31,192·46			
						Less Receipts during the year		1,40,624·25		1,90,568·21	
						<i>Remittances.</i>					
						<i>Cash Remittances</i>					
						As per last balance sheet		(—)6,495·49			
						Add Debits adjusted during the year		13,71,10,848·89			
								13,71,04,353·40			
						Less Credits asadjusted during the year		13,70,37,853·40		66,500·00	
						<i>Other Remittances—Exchange Accounts</i>					
						As per last balance sheet		246·00			
						Add Debits during the year		64,29,125·83			
								64,29,371·83			
						Less Credits during the year		64,29,371·83			

<i>Investments at cost</i>		
(a) <i>Depreciation Reserve Fund of building for the offices of the Corporation.</i>		
As per last balance sheet	95,852·94	
Add Investments made during the year	6,500·00	1,02,352·94
(b) <i>Repairs and Maintenance Reserve Fund of building for the offices of the Corporation.</i>		
As per last balance sheet	86,088·43	
Add Investments made during the year	..	86,088·43
(c) <i>Depreciation Reserve Fund of equipments in Hospitals & Examination centres.</i>		
As per last balance sheet	..	
Add Investments made during the year	1,400·00	1,400·00
(d) <i>Permanent (Partial & Total Disablement Benefit Reserve Fund.)</i>		
As per last balance sheet	62,30,762·55	
Add Investments made during the year	31,35,960·90	93,66,723·45
(e) <i>Dependants' Benefit Reserve Fund.</i>		
As per last balance sheet	21,75,708·45	
Add Investments made during the year	8,16,982·20	29,92,690·65
<i>Cash Balance</i>		
(a) <i>Investments</i>		
(i) <i>E.S.I.C. Provident Fund</i>		
As per last balance sheet	24,33,836·82	
Add Investments during the year	6,84,500·00	
	31,18,336·82	
Less Realisation on maturity or sale of investments	..	31,18,336·82

1		2		3		4		5		6	
		Rs.	nP.	Rs.	nP.			Rs.	nP.	Rs.	nP.
						(ii) General Cash Balances					
						As per last balance sheet		17,30,72,403.30			
						Add Investments during the year		5,21,36,472.58			
								22,52,08,875.88			
						Less Realisation on maturity or sale of investments		3,33,76,301.61		19,18,32,574.27	
						(b) Cash Balance					
						Cash in hand		2,28,311.33			
						Cash with Bankers		69,60,513.88		71,88,825.21	
TOTAL		22,45,31,303.56						TOTAL		22,45,31,303.56	

NEW DELHI,
Dated the 29th May, 1961.

V. R. MAHADEVAN,
Chief Accounts Officer
Employees' State Insurance Corporation

CERTIFICATE

I have examined the foregoing accounts and the Balance Sheet of the Employees' State Insurance Corporation and obtained all the information and explanations that I have required and subject to the observations in the separate Audit Report, I certify, as a result of my audit, that in my opinion these accounts and the Balance Sheet are properly drawn up so as to exhibit a true and fair view of the state of affairs of the Employees' State Insurance Corporation according to the best of my information and explanations given to me and as shown by the books of the Employees' State Insurance Corporation.

NEW DELHI
Dated

Sd/-

P. V. RAGHAVA RAO,
Accountant General, Central Revenues.

True Copy
Sd/- C. P. MITTAL,
21/7/62
Deputy Accountant General,
Outside Audit Department,
Central Revenues.

EMPLOYEES' STATE INSURANCE CORPORATION

Financial review of the working of the Employees' State Insurance Corporation for the year 1960-61.

Income.—The total revenue income of the Corporation during the year amounting to Rs. 9,43,39,386. The bulk of this income was derived from contributions payable by the employers and employees. The income from Employers' Special Contribution was Rs. 3,73,62,109 and that from employees Rs. 5,01,07,123. The interest income from investment amounted to Rs. 67,30,937 and that from miscellaneous items to Rs. 1,39,217.

2. Expenditure.—The main items of expenditure of the Corporation consisted of (a) payments to State Governments as the Corporation's share of the expenses on medical care, (b) cash benefits paid to insured persons and their dependants and (c) administrative expenditure. The payments made to State Governments during the year under report amounted to Rs. 2,48,67,285. The administrative expenditure accounted for Rs. 1,00,43,344. The total expenditure on cash benefits and other benefits debited to the accounts for the year came to Rs. 3,47,09,752 and Rs. 1,62,844 respectively, as detailed below:—

(i) Cash Benefits.	Rs.
Sickness Benefits.	2,48,76,290
Extended Sickness Benefits.	8,02,946
Maternity Benefits.	15,15,702
Disablement Benefits (including capitalised value in respect of Permanent Disablement Benefits).	63,41,364
Capitalised values in respect of payments payable to dependants of insured persons.	11,73,450
	<hr/> 3,47,09,752
(ii) Other Benefits.	1,62,844
	<hr/> 3,48,72,596

3. 1 Outstanding Liabilities: (a) Medical.—Besides the payment made to the State Governments in respect of the current year and the earlier years, the following unpaid liability relating to these periods had not been included in the accounts. In respect of 1960-61, an estimated amount of about Rs. 36 lakhs was still due on 31st March, 1961 for payment to the State Governments. Again, in the last year's report it was stated that the outstanding liability in respect of periods prior to 31st March, 1960 was about Rs. 32 lakhs. However, subsequent to the drafting of that report further revised figures were received from the State Governments and the outstanding unpaid balances were actually about Rs. 41 lakhs instead. Out of this, about Rs. 20 lakhs were paid during the current year leaving a balance of Rs. 12 lakhs as payments due as on 31st March 1961 to the State Governments in respect of such period. Adding to the outstanding liability in respect of 1960-61, a total of nearly Rs. 48 lakhs is the outstanding amount due upto 31st March 1961 for payment to the State Governments on account of medical benefit. Payments in respect of these also could not be effected during this year itself as the State Governments have not yet preferred their final claims based on their audited accounts. These outstanding liabilities would, therefore, be paid off as and when the State Governments prefer finally their claims.

3. 2. During the year under review payments made to the State Governments on account of Corporation's share of medical benefits amounted to Rs. 2,48,67,285 made up of Rs. 28,46,309 towards the outstanding dues carried forward from previous year and Rs. 2,20,20,976 towards the cost of medical benefits for 1960-61.

4. 1. Outstanding Liabilities: (b) Others.—The Corporation has a few other items of outstanding liabilities, which do not figure in the accounts. These are in the nature of (a) payments due to the State Governments in respect of Employees' Insurance Courts, (b) payments to counsels in some cases conducted on behalf of the Corporation, and, (c) the amount due to insured persons in respect of claims received late in the year 1960-61 and for which the insured persons have not received payment until 31st March, 1961.

4. 2. The amount in respect of Employees' Insurance Courts and Counsel's fees are comparatively very small and it does not appear necessary to take them into consideration for purposes of the financial review of the Corporation. It will be

observed from the account that the total expenditure on these items in the year 1960-61 was only Rs. 81,168.

4. 3. As regards item (c) in para 4. 1 ante, it is almost impossible without very considerable labour to ascertain the extent to which amounts were due to insured persons on 31st March, 1961. However, if we assume that the amount due constitutes nearly 15 days' payment the same is estimated to be about 1/24th of the total payments of cash benefits effected during the year. The amount in respect of this item may, therefore, be assumed to be about 15 lakhs of rupees.

5. 1. *Outstanding Income.*—The outstanding income of the Corporation as on 31st March, 1961, consists of contributions due from employers viz. employers' special contributions and/or employees' contributions.

5. 2. It is estimated that Rs. 46,99,568 is the amount of Employers' Special Contribution due in respect of covered factories which were in default for over six months on 31st March, 1961.

5. 3. The employees' contribution is paid in the shape of contribution stamps or by franking machines. The card fixed with stamps are submitted to the Corporation after expiry of about six weeks from the close of the contribution period to which they relate. The amount of Employees' Contribution due as on 31st March 1961 of definitely covered factories in default for six months or more is Rs. 35,20,985.

6. *Conclusion.*—It will be seen that the income from the contribution from employers and employees continues to be in excess of the expenditure on benefits and administrative expenses. This arises mainly due to the slow extension of medical care to families of insured persons. When this benefit is extended to the families of all insured persons, it is feared that this margin will vanish and we may have to draw upon the "RESERVES", if other sources such as increase of Employers' Contributions are not to be tapped. During the year 1960-61, medical care to families of insured persons was extended so as to cover an additional 95 thousand family units. The total number of family units covered under the Scheme as on 31st March 1961 is 5.8 lakhs

V R. NATESAN,

Actuary

Employees' State Insurance Corporation

[No. F. 4(9)/62-HI.]

O. P. TALWAR, Under Secy.

New Delhi, the 28th December 1962

S.O. 46.—In exercise of the powers conferred by sub-section (2) of section 26 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby directs that the provisions of sections 13 and 14 of the said Act shall not apply to the employees working in the Motor Pilot Vessel "Venu" under the Bombay Port Trust in view of special regulations proposed in respect of those employees for regulating their service conditions, for a period five years from the date of issue of this notification.

2. The exemption granted in the above paragraph shall be subject to the following conditions, namely:—

- (i) The Bombay Port Trust shall publish the regulations in a pamphlet form in the English language and in the language or languages understood by the majority of the employees;
- (ii) Before making any amendment to the aforesaid regulations, the Bombay Port Trust shall inform the employees concerned by notice, to be put up on the board, of the proposed amendment and shall consider any objections or suggestions that may be made thereto within twentyone days of such notice, and
- (iii) A copy of the pamphlet referred to in clause (i) and a copy of every amendment thereto shall be supplied to each employee concerned.

[No. LWIL-3(4)/62.]

K. K. UPPAL, Under Secy.

New Delhi, the 31st December 1962

S.O. 47.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following awards of the Labour Court (Central), Ahmedabad, in the matter of applications under section 33A of the said Act from Sarvashri R. S. Mangalore and M. G. More of the Union Bank of India, Limited, Bombay and the State Bank of India, Bombay, respectively.

IN THE LABOUR COURT (CENTRAL), AHMEDABAD
BEFORE SHRI D. M. VIN, M.A., LL.B.

COMPLAINT No. 31 of 1962

IN

REFERENCE No. 1 of 1960

AND

REFERENCE No. 3 of 1960.

Shri R. S. Mangalore,
1/8, Talmaki Wadi, Tardeo Road,
Bombay-7—Complainant.

Versus

The Union Bank of India, Ltd.,
66/80, Apollo Street, Fort,
Bombay-1—Respondent.

In the matter of a complaint under Section 33A of the Industrial Disputes Act, 1947.

APPEARANCES:

Shri H. K. Sowani—for the complainant; and
Shri N. V. Phadke—for the respondent.

AWARD

This is a complaint filed by one Shri R. S. Mangalore, against the Union Bank of India Ltd., under Section 33A of the Industrial Disputes Act, 1947 before the National Industrial Tribunal (Bank Disputes) at Bombay. It was transferred to this Court under Section 33B of the said Act by the said Tribunal.

2. The complainant's case was that he was serving as an additional accountant in the Bangalore Branch of the Respondent Bank and that on or about the 13th April 1962, he was served with a memorandum, wherein it was alleged that he delivered some lorry receipts to the drawees without receiving the payments even though they bore bold and prominent indications to show that they were to be delivered only against payment. The memorandum also stated that he was suspended. Thereafter, by an order dated 18th April 1962, he was dismissed. He then alleged that the action of dismissal was taken against him without holding any inquiry as required under the Sastri Award, and that the action was taken against him without obtaining any permission or approval even when the proceedings, viz., the Reference No. 1 of 1960 and Reference No. 3 of 1960 were pending before the National Industrial Tribunal (Bank Disputes). It was contended that thereby the Respondent Bank had contravened the provisions of Section 33 of the Industrial Disputes Act, 1947 and hence the present complaint was made.

3. The case of the Respondent Bank was that the complainant was not a workman as defined under the Industrial Disputes Act, 1947 and he cannot claim any benefit of the Sastri Award. It alleged that the action was taken against him because it was found, after he had sufficient opportunities to defend himself, that he was guilty of the misconduct alleged against him. It therefore contended that it had not contravened any of the provisions of Section 33 and the complainant was not entitled to any relief.

4. At the time of hearing, after some arguments were heard, the parties arrived at an amicable settlement and desired that the award should be made in terms

of the said settlement. I, therefore, make the award in terms of the said settlement, a copy of which is annexed herewith as Annexure 'A', and direct that the parties should abide by the terms of the same. I pass no orders as to costs.

5. It is directed that this award be submitted to the Government.

Sd/- D. M. VIN,

Presiding Officer,
Labour Court (Central), Ahmedabad.

The 21st December, 1962.

ANNEXURE 'A'

IN THE LABOUR COURT (CENTRAL), AHMEDABAD AT BOMBAY

COMPLAINT No. 31 OF 1962

IN

REFERENCE No. 1 OF 1960

AND

REFERENCE No. 3 OF 1960

R. S Mangalore

Versus

The Union Bank of India, Ltd., Bombay.

Respectfully Sheweth:

1. That the parties to the above complaint have arrived at a settlement set out below and pray that this Hon'ble Court may be pleased to make an Award in terms of the said settlement.

Settlement

2. The Bank agrees to convert the order of summary dismissal without notice into an order of discharge.

3. The Bank agrees to pay to the complainant in full and final settlement of all his claims (if any) against the bank an amount of Rs. 810/- which is equivalent to two months' salary last drawn by the Complainant.

4. The Complainant agrees and says that he has no claim whatsoever against the Bank on account of any gratuity. The Complainant, however, will be entitled to be treated as a discharged employee for the purpose of payment of Provident Fund.

5. This settlement is entirely without prejudice to the respective contentions of the parties.

For and on behalf of the Bank,

Sd/-

Asstt. General Manager.

Sd/-

Complainant.

BOMBAY;

The 4th December, 1962.

Before me,

Sd/- D. M. VIN,

Presiding Officer,
Labour Court (Central), Ahmedabad.

IN THE LABOUR COURT (CENTRAL), AHMEDABAD

BEFORE SHRI D. M. VIN, M.A., LL.B.

COMPLAINT No. 17 OF 1962

IN

REFERENCE No. 1 OF 1960

Shri M. G. More, C/o State Bank of India Employees' Union, Bombay Circle, Bombay—*Complainant*.*Vs.*State Bank of India, Bombay—*Respondent*.

In the matter of a complaint under Section 33A of the Industrial Disputes Act, 1947.

APPEARANCES:

Shri P. S. Nair—for the complainant; and

Shri R. Setlur of Messrs Crawford Bayley and Company—for the respondent.

AWARD

This complaint was filed by one Shri M. G. More under Section 33A of the Industrial Disputes Act, 1947, before the National Industrial Tribunal (Bank Disputes), Bombay. It was transferred to this Court under Section 33B of the said Act by the order dated 18th April 1962.

2. The complainant's case was that he was employed in the Akola Branch of the respondent Bank as a godown keeper from 24th January 1958. According to him, he was discharging his duties to the entire satisfaction of the authorities concerned and he had taken even extra care in performance of his duties. He alleged that with a view to victimise him a false report was made against him to the head office that he was living beyond his means and was guilty of dereliction of duties and relying on that report, his services were terminated with effect from 25th November 1960. He further alleged that neither a show-cause notice was served on him nor was he given any opportunity to defend himself. He contended that the manner in which his services were terminated was in contravention of the provisions of the Sastry Award. He further contended that no approval or permission as required under section 33 of the Industrial Disputes Act, 1947, was obtained, even though a dispute was pending before the National Industrial Tribunal (Bank Disputes). Under the circumstances, according to him, the opponent bank was guilty of contravening the provisions of Section 33 of the Industrial Disputes Act, 1947 and hence the present complaint was made for getting proper reliefs.

3. The case of the Respondent Bank was that the complainant was only a temporary godown keeper. It alleged that he had incurred debts beyond his means and he was also not interested in his duties inasmuch as on 26th October 1960, he left the godown of the S.R. Mills Company Ltd., Akola, before closing time after handing over the keys to the watchman instead of to the Agent and did not report for work thereafter for two days. Under the circumstances, the Bank did not wish to continue him in service and his services were terminated in terms of the letter of his appointment. It was contended that under Section 33 of the Industrial Disputes Act, 1947, it was not necessary either to obtain an approval or permission before taking an action of such a nature. Hence, there was no contravention of the provisions of Section 33 and this complaint should be dismissed.

4. Reading Section 33 of the Industrial Disputes Act, 1947, it appears that the question of obtaining permission or approval would arise only if an alteration in the conditions of service is to be made, or if for any misconduct a workman is to be discharged or punished whether by dismissal or otherwise. In the present case admittedly, the services of the complainant were terminated. The question of alteration of conditions of service would arise only if the service is continuing and not after it has been terminated. Hence, the present case is not covered within the scope of clause (a) of any of the sub-sections of section 33.

5. It should then be considered whether the termination of service was for any misconduct or not. It was tried to be urged on behalf of the complainant that the action was taken against him simply because of the allegations regarding

dereliction in duty etc. referred to in the written statement and hence the action taken against him would be covered within the scope of clause (b) of sub-sections (1) or (2) of Section 33 of the Industrial Disputes Act, 1947. Reading, however, the pleadings of the parties and considering the arguments urged on behalf of the complainant, I do not think that the services of the complainant were terminated for any misconduct or by way of a disciplinary action. The complainant was after all a temporary godown keeper. He did not show sufficient interest in his service inasmuch as he left the godown before closing time and after handing over the keys to the watchman, instead of to the Agent and thereafter did not report for duty for two days. Under such circumstances, his services were only terminated. There is nothing to show that this termination of service was intended to be a blot on his career or to deprive him of any right which would flow from the simple termination of his services. I, therefore, do not think that this termination of service would be covered within the scope of clauses (b) of sub-sections (1) or (2) of Section 33 of the Industrial Disputes Act, 1947. It was not even alleged that he was a protected workman and sub-section (3) of Section 33 also would not apply in this case. Hence, there was no need of obtaining any approval or permission from the National Industrial Tribunal (Bank Disputes). The respondent Bank cannot, therefore, be held to have contravened any of the provisions of Section 33 of the Industrial Disputes Act, 1947, and this complaint would fail.

6. In the result, I direct that this complaint be dismissed. There would be no order as to costs. It is also directed that this award be submitted to the Government.

Ahmedabad,

The 21st December, 1962.

(Sd./-) D. M. Vin,
Presiding Officer,
Labour Court (Central), Ahmedabad.
[No. 56(23)/62-LRIV.]

ORDER

New Delhi, the 31st December 1962

S.O. 48.—Whereas the employers in relation to the Bombay Port Trust, Bombay and the Bombay Port Trust Employees' Union have jointly applied to the Central Government for reference of an industrial dispute between them to a Tribunal in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the said Bombay Port Trust Employees' Union represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whereas an industrial dispute exists between the Bombay Port Trust and its workmen represented by the B.P.T. Employees' Union and it is expedient that the dispute specified in the enclosed statement should be referred for adjudication by a Tribunal an application is hereby made under Sec. 10(2) of the Industrial Disputes Act, 1947, that the said dispute should be referred to a Tribunal.

A statement giving the particulars required under rule 3 of the Industrial Disputes (Central Rules, 1957, is attached.

Dated the 19th November, 1962.

Signature of
Sd. Illegible.
Principal Officer,
of the Corporation
Secretary,
Bombay Port Trust.

Signature of the
Sd. Illegible
President of the
Trade Union.
Illegible
General Secretary,
of the Trade Union.

Statement required under rule 3 of the Industrial Disputes (Central) Rules, 1957, to accompany the form of application prescribed under sub-section (2) of Section 10 of the Industrial Disputes Act 1947:—

(a) Parties to the dispute including the name and address of the establishment or undertaking involved

(1) The Trustees of the Port of Bombay, Port Trust Administrative Offices, Ballard Road Bombay 1

(2) The Bombay Port Trust Employees' Union, Port Trust Kamgar Sadan, Nawab Tank Road, Mazagon Bombay 10.

(b) Specific matters in dispute

"Whether the existing system of fixing the staggered weekly days of rest for the staff of the Electrical Establishments of the Engineering Department needs any change, and if so, in what respect."

(c) Total number of workmen employed in the undertaking affected

About 26,000

(d) Estimated number of workmen affected or likely to be affected by the dispute.

About 887

(e) Efforts made by the parties themselves to adjust the dispute.

The parties have held discussions but have been unable to reach a settlement.

Signature of

Principal Officer of the Corporation.

Secy. Bombay Port Trust.

Signature of

President of the Trade Union.

General Secretary of the Trade Union.

[No. 28/92/62/LRIV.]

G. JAGANNATHAN, Under Secy.

MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

ARCHAEOLOGY

New Delhi, the 5th January 1962

S.O. 49.—In pursuance of section 36 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby makes the following correction in the notification of the late Government of Bombay in the General Department No. 5325-A, dated the 7th July, 1914, namely :—

In the said notification, for the words "Some ruined Jain Temples in the old Hindu town of Champaner", occurring under column 4 against Serial No. 2, the words "The Fort of Pavagadh and the ruined Hindu and Jain Temples on the top of Pavagadh hill", shall be substituted.

[No. F. 4-20/61-C.I.]

S. J. NARSIAN,

Assistant Educational Adviser.

